Drawing race and refugees: making sense of political cartoons of Australian refugee policy 1886 – 2001

A thesis submitted in fulfilment of the requirements for the degree of Doctor of Philosophy

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Declaration

I certify that except where due acknowledgement has been made, the work is that of the author alone; the work has not been submitted previously, in whole or in part, to qualify for any other academic award; the content of the thesis/project is the result of work which has been carried out since the official commencement date of the approved research program; any editorial work, paid or unpaid, carried out by a third party is acknowledged; and, ethics procedures and guidelines have been followed.

Kate Driscoll
7 July 2015
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**Postscript**

For Justin & Margot who lost the farm but kept both their humour and their integrity
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Abstract

This thesis uses political cartoons from the mainstream press over the period 1886 – 2001 to explore the politics of Australian asylum seeker and refugee policy. Australian asylum seeker and refugee policy is highly contested and increasingly characterised by practices of rights abuses, hostility and brutality. This thesis is an attempt to understand how moderate and humanitarian Australia has transformed its engagement with asylum seekers and refugees.

Beginning with colonial political cartoons, which capture the racial politics of White Australia and patterns of exclusion, the thesis uses political cartoons to chronologically trace the representations and politics of race, and the corresponding development of Australia’s exclusionary and hostile refugee policy regime. Colonial patterns of exclusion and racism are evident in the cartoons of Jews and Displaced Persons from the Second World War. With the 1975 arrival of Vietnamese and other Indochinese refugees, Chinese nationals fleeing China after the Tiananmen Square massacre, and refugees from Kosovo, political cartoonists are challenging rather than reinforcing exclusion and racism, and critiquing refugee policy. The thesis concludes with cartoons of the 2001 Tampa and Children Overboard incidents, the sinking of the SIEV X and the arrival of refugees from Iraq, Afghanistan and Pakistan. These episodes resulted in even more hostile policy responses with the adoption of a state of exception.

These cartoons are texts, and as cultural artefacts provide a historical overview of propaganda and politics, and reveal the racism and nationalism which have shaped these policy regimes. The cartoons provide a documentary account of the twists and turns of nation state engagement with asylum seekers and refugees as people experiencing persecution. They reveal myths of generosity and nation, and narratives of absurdity and brutality. It is the story of a political culture built with dog whistle politics.

The thesis argues there are enduring themes and patterns which emerge in Australia’s early treatment of migrants which have continued to shape Australia’s policy responses to asylum seekers and refugees; hostility towards non-white and non-Anglo people; fear of invasion; rights ambiguity; legal challenges; illegal detention; sending boats away; and breaches of international treaties. Political cartoons reveal that Australia’s asylum seeker and refugee policy has developed as a controversial and contested mix of racism, humanitarianism and state exceptionalism.
Introduction

My first insight into the capacity and power of political cartoons to engage with dark and terrible issues was gained when I encountered Geoff Hook’s cartoons about the Victorian Government’s decision to hang Ronald Ryan in 1967. Prior to this, Hook’s cartoons for me had been a game of searching for his signature fishhook.¹ Political insight came suddenly with Hook’s drawing of the hangman’s noose and a humorous reference to Christmas decorations. My family read the Melbourne Sun, so I didn’t see Les Tanner’s ferocious Bulletin cartoons attacking Victorian Premier Henry Bolte for his decision to allow the hanging of Ronald Ryan, the last man to be hanged in Australia. Through his cartoons, first in the Bulletin and later in the Melbourne Age Tanner became a key and somewhat unlikely protagonist in the campaign to save Ryan’s life and to repeal capital punishment in Australia.

The cartoons of both Hook and Tanner were a response to a particular and highly politicised public controversy. I discuss this episode and the work of Tanner and Hook in more detail in Chapter One, but the point I want to make here is that political cartoonists have a special relationship with political deliberation and public controversy. It is the nature of their work to comment on, and respond to the public and political issues of the day. As Johnson notes “Controversy is the cartoonist's staff of life; he starves in times of "brotherly love" “(cited in Keane 2008, p. 845). In dealing with controversy, and contentious and difficult issues, political cartoons are not only responses to political debate but become part of the political process by being controversial, provoking annoyance, dissent, outrage, and even death.² As will become clear engagement with controversy continues a very long political cartooning tradition (Navasky 2013).

Though it does allow for a slightly more expanded timeframe, this thesis engages with a controversy which has featured in Australian political life for more than three decades; Australian asylum seeker and refugee policy. Since the 1970s Australia’s policy to deal with

¹ Geoff Hook first started cartooning at the Sun in 1964 and he placed a signature ‘hook’ in almost all of his cartoons. His “My word, it never rains but it pours – OH...sorry…!” 6 March 1968 Sun cartoon was an exception with Hook going on strike by omitting the hook. However the extraordinary response from readers meant that Hook was directed to ensure that his ‘hook’ was never missing from his cartoons again.

² I have just heard that overnight gunmen attacked and killed 12 staff of the French satirical magazine Charlie Hebdo in Paris. French cartoonists Georges Wolinski, Stephane ‘Charb’ Charbonnier, Jean ‘Cabu’ Cabut and Bernard Verhac were among those who were killed.
asylum seekers and refugees has been a remarkably contentious and persistently divisive issue. Asylum seeker and refugee policy is part of a larger history of remarkable transition. Australia in the post-1945 period shifted from being a remarkably monocultural, essentially Anglo-Celtic society with strong ties to Great Britain into one of the most multicultural societies on earth. However the introduction of mandatory detention of asylum seekers in 1989 signified an important shift in Australian policy, making it, Mares argues, “one of the severest of Western liberal democracies” (2001, p. 67) in its treatment of asylum seekers and refugees. This political and policy transition is remarkable enough and we are right to want to know why Australia’s treatment of asylum seekers and refugee policy has become such a contentious and contested issue. Though explaining why this happened is beyond the remit of this thesis, I do want to establish what light if any, the archive of political cartoons addressing immigration policy and racial exclusion sheds on the great change in policy that began in the 1980s, and what light they shed on the recent politics of refugee and asylum seeker policy. In order to answer that question I have used political cartoons from the mainstream press to explore how an advanced liberal democracy and multicultural nation, with a large and diverse population of migrants, has become, in official policy terms at least so hostile towards people fleeing persecution and oppression.

The choice to use political cartoons to engage with this politics of exclusion was made in part because of my own interest in political cartoons. I teach both undergraduate and postgraduate courses in public policy and I have found Bruce Petty, Michael Leunig, David Pope, Ron Tandberg and many other cartoonists frequently capture political moments and unpack policy issues far more deftly and eloquently than I can. As a consequence, political cartoons have become an essential tool in my policy teaching. Australia’s extraordinarily rich cartooning tradition and ready availability of political cartoons both though online sources (including Google News and search engines such as ProQuest), and more traditional means such as newspaper and magazine library microfilm, makes access to the use and study of political cartoons easier. The Australian Cartoon Museum based in Victoria has an extensive hardcopy collection of political cartoons from 1979, from the Sydney Morning Herald, The Age, the Australian, the Herald Sun and Australian Financial Review, and more recent cartoons are being digitised.

We are fortunate to have resident cartoonists on Australian daily newspapers and online magazines, and annual political cartoon collections which provide a record of the year’s
political issues and controversies, and policy debates and developments, enabling analysis and reflection on key moments in the life of the nation. Other avenues such as the ABC's Insiders Talking Pictures segment provide students of political cartoons with weekly analysis and insights from cartoonists themselves. This level of cartoon production is indeed prodigious, and provides a rich and detailed account of Australian political life. As well as an extravagant supply of political cartoons, the analysis of political cartoons is now a small but growing area of academic study and there is an expanding Australian and international literature which ranges across historical, political, policy and cultural studies of political cartoons. The international literature includes Fischer (1996), Gombrich (1985), Klausen (2009), Press (1981) Navaksy (2013) and Seymour-Ure 1996. Australian political cartoon research includes historical studies such as Booth (2008), Condren (2002, 2012), Dyrenfurth (2010), Mahood (1973), Rolfe (1979), and Scully and Quartly (2009), and the contemporary research of Manning (2009), Manning and Phiddian (2002, 2004a, 2004, 2005), Phiddian (2013), Phiddian and Manning (2013), Turner (2000) and Verrier (2009). This thesis makes a contribution to the small and growing body of scholarship using political cartoons in the study of politics and public policy.

In many ways I’m following in the path laid down by Manning and Phiddian, Australia’s foremost political cartoon scholars when they say the purpose of their work is to understand the “…role of cartoons as political commentary in the Australian context” (2004a, p. 14). In the introduction to their book on Australian political cartoons, Phiddian and Manning (2013) highlight the relatively limited scholarship on political cartoons both in Australia and internationally. They also point to the academic homelessness of the study of political cartoons as a field of study, which sits awkwardly across political science, art, media studies, communication, cultural studies, policy analysis and political theory. Coupe (1969) also attributes the “neglect” in the academic study of political cartoons to the fact that political cartoons “lies in a peculiar no-man’s land where several disciplines meet” (1969, p. 79). Navasky’s (2013) conception of political cartoons as “art and polemic” is helpful in engaging the visual and political dynamics of cartoons. As will become clear in developing this thesis I’ve drawn on literature from cultural studies, refugee policy, political science, political philosophy and policy analysis.
Research Questions

This thesis uses political cartoons from Australia’s mainstream press over the period 1886 – 2001 to understand and analyse the politics of Australian refugee and asylum seeker policy. The specific questions this thesis addresses are:

- How have political cartoons represented and interpreted race and refugee policy over the period 1886 – 2001 with specific reference to the period 1975 - 2001?;
- What do political cartoons reveal of the politics of race and refugee policy development, especially with regard to the context, debate and deliberation about refugee policy?; and
- How do political cartoons work to reveal the political? That is, how do they intellectually and visually operate to convey meaning and insight and challenge and question debates, views and attitudes?

These questions are warranted on two fronts. Firstly as indicated above, the issue of refugee politics and policy has become both deeply contested and highly controversial in Australia. The issue of why refugees and asylum seekers arriving in boats are the subject of increasing hostility and state exceptionalism has engaged many refugee scholars and activists advocating for more humane treatment and policy reform.\(^3\) I count myself in their number and with others am deeply disturbed that the longstanding campaign for refugee policy reform has fallen on deaf ears and that Australian refugee policy increasingly and incrementally abrogates international refugee obligations. Moreover it seems that in pursuing reform we need to be very clear about where Australian refugee policy has come from, and how it has reached its current pariah status. Neumann (2004) argues that while there have been many attempts to “make sense of the historical origins” of current refugee and asylum seeker policy, few have ventured beyond the 1990s to the Indochinese refugees of the 1970s, with even less research on the earlier periods.

p. 166) apparently leading the post war world with open humanitarian arms for Europe’s refugees, to overseeing “…incomparably the harshest [regime] in the Western world” (Manne & Corlett 2004, p.14). Moreover in the last three decades, Australia’s policy engagement with asylum seekers and refugees has been a remarkably contentious and divisive issue, becoming, to use Lippman’s term, a “public problem” (cited in Latour 2010, p. 228). Understanding these shifts and explaining why asylum seeker and refugee policy has become such a contentious, complex issue, is a worthy and important task.

Stepping back from the present and undertaking an investigation which relies upon historical and contemporary political cartoons dealing with race and refugee policy over the period 1886-2001 is designed to utilise and complement the existing work of refugee scholars, and offer new insights into the construction and context of Australian refugee policy regimes. The ideological drivers of Australia’s exclusionary racial policies are found in pre-Federation Australia and this political culture grows and develops throughout the twentieth century. Here the racial politics of exclusion have extended to refugee policy regimes, reflecting and extending the nation state’s attempts to control who settles here. However from the 1970s the arrival of Indochinese refugees in boats challenges fundamentally the capacity of the state to control border entry. Analysing the development of new policy regimes of deterrence, punishment, criminalisation, excision and exceptionalism in response to boat arrivals both situates refugee policy within the politics of race, and reveals the new politics driving this area. Research into the policy trajectory and background of Australian asylum seeker and refugee policy can provide both a historical perspective of the political imperatives driving policy, and understanding of the rationalities which have shaped, and continue to shape this contentious area of public policy.

The second reason that this research is warranted relates to the use of political cartoons as “…a rich shorthand for political history” (Phiddian & Manning 2013, p. 6). I consider, along with Manning and Phiddian, that the interpretative work of political cartoons makes “…a valuable contribution to public debate” (2004, p. 1). Political cartoons offer a historical framework, as well as a cultural narrative of policy events, circumstances and debates. There is now a growing body of historical research which examines pre- and post-Federation political cartoons of race and nation including Booth (2008), Dyrenfurth (2010), Mahood (1973), Rolfe (1979), and Scully and Quartly (2009) which I have drawn on for this thesis.
More contemporary political cartoon research tends to examine specific political moments or policies, such as Manning and Phiddian’s (2002) research into cartoon coverage of election campaigns, or particular policy episodes like Townsend et al’s analysis of Workchoices (2008). Manning and Phiddian’s research finding from the 2001 election campaign, that all political cartoonists “took a moral stand” on the asylum seeker issue which “…flew in the face of public opinion…” (2002, p. 45) provided both inspiration and an important reference point for this thesis. The 2001 Tampa crisis and its treatment highlighted the absence of earlier cartoon research covering the 1886-2001 time frame which examines the politics of race and the development of asylum seeker and refugee policy regimes. The research contribution of this thesis is to fill this gap by extending the study of political cartoons more broadly, with a particular focus on race and refugee policy. Underlying these research questions is a recognition and acknowledgement of the value of investigating the role and point of political cartoons. Political cartoons use politics and the activity of public policy as the setting for the interpretation and representation of the political. In addition political cartoons can on occasion also enter into the politics of deliberation and controversy. Their dual character as both a medium of representation and as a site of intervention makes them especially interesting.

What might seem to be a necessarily “dry” inquiry into the role political cartoons play actually opens up substantive questions all too generally understood or agreed on, like the idea of “politics” and “the political,” a stance that has begun to come under critical scrutiny as people (Dahlgren 2009; Furedi 2007) worry about the contemporary state of democratic politics. One author who has both documented and interrogated the modern crisis of politics is Chantel Mouffe. Mouffe helpfully distinguishes between politics which she describes as “the set of practices and institutions though which order is created, organizing human coexistence in the context of conflictuality provided by the political” and the political which she says is “the dimension of antagonism…constitutive of human societies” (2006, p. 9). As I will set about showing political cartoons provide a narrative of the politics and policy issues of the day and through these visual stories reveal the antagonism and conflict intrinsic to political thinking and action.

Manning and Phiddian suggest that political cartoons provide “shafts of lateral intelligence” which cut through the “spin-doctored or expert rhetoric” of political life (2000, p. 48). It is this quality which enables cartoons to become one of several ‘evidence-bases’ enabling the
examination of the political process and policy trajectories over time. Indeed apropos the observation that too frequently our thinking about “the political” relies on unexamined and taken-for-granted assumptions, it is a contention advanced here that we can use political cartoons to make the political reason of race and refugee policy regimes visible. By this I mean with Walters and Haahr (2005) that “political reason is embedded in the ways we are governed, but often in ways that we are not fully conscious about” (2005, p. 6). Lakoff too notes the importance of the unconscious for political understanding with his observation that “if you stop at conscious reason and emotion, you miss the main event. Most reason is unconscious!” (2008 p. 9). Lakoff’s point, and its relevance for this analysis of political cartoons, is that politics involves and invokes the “cognitive unconscious” whereby our sense and understanding of the world is “structured by frames and metaphors and images and symbols” (2008, p. 14).

Political cartoons function to make political reason, or some aspect of that reasoning, visible. Dworkin (2011) argues that all manner of experts and specialists, such as historians, lawyers and priests perform “…genres of interpretation” (p. 123) in relation to the distinctive content of their work. Similarly political cartoonists provide an interpretation, with images and words, and satire, irony, humour or outrage, of particular political episodes and events. Political cartoons are a “genre of interpretation” which reflect the cartoonists’ understanding of the meaning of policy decisions, political debate, leadership struggles, and the endless contest for power and influence which are played out in political life. That is, political cartoons show the messiness of political action, described by Mouffe as “a space of power, conflict and antagonism” (2005 p. 9). In their accounts of conventional politics, political cartoons provide a commentary on policy issues and politics which reveal the underlying antagonism of democratic practice. In contrast to the commentary of rational political discussion, political cartoons can be rude, passionate and noisy. They offend, they challenge and they view the actions and choices of decision makers, not as “technical issues to be solved by experts” (Mouffe 2005, p. 10) but as the result of choice and power struggles. Political cartoons use discursive struggles to reveal and highlight political thinking, and assess the ethical outcomes and consequences of politics. In this way political cartoons provide an opportunity for us to see and to think politically.

Apart from revealing the power relations and conflict of political decision making, political
cartoons also have an active political function. That is, political cartoons are themselves political both in their treatment of particular antagonisms, and in their status as a legitimate and accepted part of democratic politics. Mouffe’s conception of “agonism” is helpful for situating political cartoons as “sharing a common symbolic space within which conflict takes place” (2005, p. 20). Mouffe argues that the “taming” of antagonistic conflict involves acknowledging the relational legitimacy of conflicting positions as “adversaries” rather than “enemies” (2005, p. 20). Here we might consider that political cartoons contribute to democratic life by “transform[ing] antagonism into agonism” (Mouffe 2005, p. 20). Dahlgren notes that the Greek meaning of agonist is “someone engaged in a struggle” (2009, p. 99).

The political work of political cartoons involves both representing discursive struggles and conflicts, and the dissenting work of critiquing and resisting hegemonic practices. Swimelar’s observation that “images are essentially political in that they stake a claim about what is important to be seen (and perhaps therefore acted upon)” (2014, p. 413) is particularly relevant for political cartoons. Swimelar’s interest is in the capacity of images to highlight human rights issues and this thesis shows how political cartoons make claims about human rights abuses and the treatment of asylum seekers and refugees.

The recent and powerful demonstration of the political capacity of political cartoons was evident in response to the Charlie Hebdo killings. Here in the wake of a terrorist outrage in Paris, political cartoonists from across the globe responded in unity to express their outrage and claim their right to freedom of expression. Clendinnen suggests “artists often play with fire” (1999, p.164) and political cartoonists, as political artists and activists, can be provocative and dangerous, with lethal outcomes. Cartoonists responded to the Charlie Hebdo tragedy with images proclaiming that the pen was indeed mightier than the gun. These responses asserted the right to blaspheme as a key element of free speech in spite of religious sensibilities. In doing so the political nature of political cartoons was evident in their response to the antagonism of religious fundamentalism, and reinforced in the agonism of defending liberal rights.

The first challenge of this research, evident in the first two research questions, is to come to terms with both the discursive struggles of race politics and refugee policies which are represented in the selection of political cartoons, and the “adversarial” work being performed in these political cartoons (Mouffe 2005, p. 20). The second, related challenge, evident in research question three above, is to make sense of how political cartoons work to reveal the
political. While the first two questions are concerned with the substance of political cartoons, the third question is really concerned with how cartoons do what they do and how they work. In seeking to understand the “look or visual aspect of the cartoon” Navasky highlights the notion of “cartoon as totem” (2013, p. 18). For him political cartoons have a totemic power similar to that attributed to images, paintings, statues and art more generally. It is the power of the visual image which helps explain how political cartoons work. This visual power is confirmed, I think, with Navasky’s observation that “cartoons may indeed be easy to describe in words, but that is not the same as experiencing them” (2013, p. 22). Political cartoons offer readers the experience of engaging with the totemic power of the cartoon image but central to this experience is actually seeing the image, highlighting the importance of the visual in explanations of how political cartoons work.

Navasky points to anthropological research into the totemic power of images, which has found that “people respond to images as if they were real” (2013, p. 18). So the political cartoon image, which may exaggerate or embellish an individual, some aspect of behaviour or an event, is nonetheless assumed to be a credible representation of events and practices, which capture some aspect of political reality. Navasky provides two examples to illustrate his point regarding the relationship between the image and reality; the first involves the ancient Greeks who “painted eyes on the prows of their ships” believing that the ‘eyes’ would guide them through the water; and the second example involves the “European practice of execution-in-effigy which involved hanging and decapitating of dolls and pictures of the accused” (2013, p. 19). Navasky’s point is that in these instances the image creates a meaningful reality and those involved “partake of what they represent” (2013, p. 18). Similarly political cartoons, as meaningful reality, generate responses from readers including amusement, offence, anger and insight. What then is the power of political cartoons? Or put another way where does the power of political cartoons come from?

Taussig’s (1993) research on mimesis in colonial relations offers some important insights for understanding the power of political cartoons. For Taussig mimesis is the “faculty to copy, imitate, make models, explore differences, yield into and become Other” (1993, p. xiii). That is, Taussig says, “‘in some way or another’ the making and existence of the artifact that portrays something gives one power over that which is portrayed” (1993, p. 13). Mimesis is two dimensional involving a copy or imitation, and “a palpable, sensuous, connection between the very body of the perceiver and the perceived” (Taussig, 1993, p. 21). Using the example
of advertisements, which Taussig says “hit you in the eye,” he suggests that mimesis, as “copy and contact” means that “seeing something or hearing something is to be in contact with that something” (1993, p. 21). While the images and objects of Taussig’s study are largely drawn from a range of anthropological studies he is nonetheless interested in the “capacity of the imagination to be lifted through representational media” (1993, p. 16). I want to suggest that the concept of mimesis helps us to understand what happens in a political cartoon. The cartoon is a representation, a copy or imitation of reality which asks us to see familiar people, events and circumstances in new and imaginative, but nonetheless recognizable ways. The cartoon copy uses metaphors and cultural embellishments which are readily identifiable, enabling us to make sense of, and understand the representation. Our seeing, or contact with the cartoon is the result of physiology and the use of our senses which results in bodily involvement such as a smile, shrug, laughter or rage, as we cogitatively read and register the cartoon’s message.

Taussig argues that mimesis does not simply involve some attempt to copy some aspect of reality. Rather he points to an “ambiguous power” which is both “the power to represent the world” and “a power to falsify, mask, and pose” (1993, p. 42). In political cartoons this dual power produces a distorted and transformed representation of the world. For Taussig the basis of distortion is the outcome of magic and “spirit mischief” (1993, p. 43). Political cartoonists too might be considered seers and sages, whose magic and spirit mischief can transform political leaders and their parties into animals, and events into metaphors. American editorial cartoonist Thomas Nast’s enduring representations of the Republican Party as an elephant and the Democratic Party as a donkey is evidence of the use of metaphors and mischief (Fischer1996). Similarly Phil May’s 1886 cartoon The Mongolian Octopus—His Grip on Australia, which is discussed in more detail in Chapter Two, expresses the xenophobia of colonial Australia with white men, women and children in the tight grasp of an octopus. Here the octopus metaphor captures the spirit mischief of racism.

Mitchell (2005) argues that “the questions to ask about images are not just what do they mean? or what do they do? but what is the secret of their vitality? and what do they want?” (2005, p. 352). Taussig provides an answer with the power of mimesis. Political cartoons offer a counter-narrative and a critique of the political with “visual language” (Navasky 2013, p. 14). Using the techniques of distortion, embellishment and metaphor, political cartoons transform the common sense and rational rendering of politics into imaginative and fanciful
narratives with a vast array of cultural symbols. Mimesis uses “everyday practices of representation” to hover between something real and something made up (Taussig 1993, p. xviii). Political cartoons invite us to see the ways in which we are governed, and to discover that the real which is being imitated in the cartoon image, is also made up. Political cartoons use mimesis to portray the social construction of the political.

Research Methods

The primary source materials the thesis examines are a body of political cartoons from the period 1886 – 2001 which interpret Australian race and refugee policy context, politics and issues. The cartoons, drawn primarily from the Sydney, Melbourne and Canberra press are used in chronological order and the narrative and visual aspects of the cartoon is examined, along with the policy background, politics and political context. Locating this diverse body of cartoons as evidence was the first stage in the research process. The deeper question was to work out what the cartoons meant and how they worked, and what they reveal of political life. This raises the thorny question of method, and how to analyse images which represent and reveal race and refugee policy narratives over more than a century.

Edward Tufte in his aptly named Beautiful Evidence engages with this challenge when he advises that the issue is less about the type of evidence and more about the robustness of its use. He observes

> evidence is evidence whether words, numbers, images, diagrams, still or moving. The intellectual tasks remain constant regardless of the mode of evidence: to understand and to reason about the materials at hand, and to appreciate their quality, relevance, and integrity (2007 p. 9).

Accepting Tufte’s claim that evidence forms are all encompassing means that political cartoons qualify as evidence and one part of the methodological challenge is resolved. However Tufte rightly highlights the second part of this challenge with his instruction to “understand and to reason about the materials at hand” (2007, p. 9). While scholarly methods for understanding and reasoning about policy analysis are well developed (Bacchi 2009; Stone 2002), methods for researching political cartoons are limited. Hansen suggests that “interpreting political cartooning needs to begin with understanding it as a form of popular culture” (2013, p. 181).

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4 Cartoons have been sourced from the Bulletin magazine, and the Sydney Morning Herald, Canberra Times, The Age, Australian, Herald Sun and Australian Financial Review newspapers.
Navasky extends this observation with his argument that “as with poetry, to paraphrase a cartoon’s content is at best an inadequate guide to its real meaning and impact. To get at that we must consider the cartoon as visual language” (p. 14). It is therefore no surprise that I have turned to the literature on visual analysis, particularly semiotics, for this thesis. Tufte speaks of “intense seeing” in science and art, as “the wide-eyed observing that generates empirical information” (2007 p. 9). It is this quality of “intense seeing” and “wide-eyed observing” which forms the methodological basis of the thesis and as political cartoons are first and foremost visual images it is to this literature that I now turn.

Research as seeing

Research methods for the qualitative analysis of visual materials highlight the importance of seeing. For Weber “it is the paying attention, the looking and taking note of what we see that makes images especially important to art, scholarship, and research” (2008, p. 42). Despite the emphasis on seeing Banks argues that “Seeing is not natural, however much we might think it to be. Like all sensory experience the interpretation of sight is culturally and historically specific” (2012 p. 7). Weber argues that for visual researchers the challenge is to engage with “persuading others to see what we see” (2008, p. 42). The dual challenge for this research is of both seeing the meaning in this body of political cartoon evidence, and of then persuading the thesis reader of the validity of this seeing and its interpretation.

The first challenge is that of meaning, and for Weber (2008) how images mean is shaped by the context in which they are viewed. Some of the most developed research insights on the meaning of images comes from work on photographs. Banks draws on Wright’s approach to reading photographs as “looking through, looking at, and looking behind” the image (2012, p. 10). By analysing both the content and context of the image, Banks argues that it is possible to reveal the social construction of meaning. Moreover Banks claims that this framework can be applied to any visual representation and I suggest that it provides a valid means to deconstruct political cartoons.

Wieseltier in the preface to a collection of Walter Benjamin’s essays, makes the important observation “that interpretation does not so much discover meaning as release it” (2007 p. ix). I take the importance of his point for this thesis as the challenge involved in adopting a research approach capable of releasing the meaning in this body of cartoons. For Van Leewen and Jewitt
the choice of an appropriate method suitable for visual research is largely determined by a number of factors including the nature of the research, the materials being investigated, and the goals of the research. Van Leeuwen suggests that semiotics provide a method for engaging with the two fundamental questions for visual research. These are

…the question of representation (what do images represent and how?) and the question of the ‘hidden meanings’ of images (what ideas and values do the people, places and things represented in images stand for?) (2004, p. 92).

For Banks (2012) images have both an internal and external narrative. The internal narrative is the image content which Banks says, is “the story…that the image communicates” (2012 p. 10). The intertwined, but analytically separate external narrative is the “social context that produced the image, and the social relations within which the image is embedded at any moment of viewing” (2012, p. 10). Weber (2008) points to Barthes’ semiotic work with photographs and his argument that images have both denotative and connotative meaning. Denotative meaning incorporates the “literal, descriptive meaning – the apparent truth, evidence, or objective reality that the image denotes or documents” (Weber 2008, p. 42). For political cartoons the denotative meaning refers to the events or circumstances framed by the image. Here Foucault’s observation of Magritte’s pipe drawing notes that the function of that drawing was “to elicit recognition, to allow the object it represents to appear without hesitation or equivocation” (1983, p. 19-20). This is similar to political cartoon drawings, where denotative meaning is designed for quick and ready recognition of events, circumstance and people. In Les Tanner’s caricature of Henry Bolte discussed in Chapter One, it is clear the drawing is of the then premier of Victoria, with hangman’s noose in hand ready to execute Ronald Ryan. However the full meaning of Tanner’s cartoon is not fully realized if we only rely on this level of meaning.

There is a further layer of culturally specific meaning in the cartoon captured by the concept of connotative meaning. That is the “cultural and historical context of a specific image, as well as the social conventions, codes, and meanings that have been attached to or associated with that image” (Weber 2008, p. 42 – 43). Again in the case of Tanner’s caricature we recognise the associations with the brute force and evil of this episode of state violence, and Tanner’s ideological outrage regarding Bolte’s decision to hang Ryan. Establishing connotative meaning requires detailed documentary and historical research to establish the politics, policy regime and circumstances to which the cartoon refers. Van Leewen’s summary helpfully notes that denotative meaning asks “what, or who, is being depicted here?” while connotative meaning
asks “what ideas and values are expressed through what is represented, and through the way in
which it is represented?” (2004, p. 92). The point to note here is the interplay at work in the
political cartoon, between actual events and circumstances being represented, and the social
codes, conventions and symbolic devices being used by the cartoonist to represent and
interpret those events and circumstances.

A further methodological challenge in using political cartoons as evidence is that they represent
how the cartoonists have constructed or re-constructed reality. A political cartoon is an
interpretation providing political and symbolic representations of political circumstances and
policy events. The cartoons are a response to reality, and real events and circumstances, but
are not neutral and objective data. Rather political cartoons provide a reflective and often
critical interpretation of the political actors engaged in public policy, of government
intervention, and of policy outcomes. A key function of political cartoons is the scrutiny of
policy and political practice to draw attention to inadequacies, inappropriateness, and issues of
cost or ethics.

Political cartoons engage with the mentalities of government and are always challenging and
questioning the decisions, interventions and actions of the state (Walters & Haahr 2005, p. 6).
They are a record serving as historical reference points, but they are also a construct which
expresses a political position with outrage, humour or satire. In pointing to the importance of
political cartoons as a vehicle for making us more fully conscious of the political, Banks’ claim
that visual works are “the product of human action and are entangled to varying degrees in
human social relations” is helpful (2012, p. 12). This demands, Banks suggests, a “judicious
reading” because visual images “require a wider frame of analysis in their understanding, a
reading of the external narrative that goes beyond the visual text itself” (2012, p. 11).

**Policy analysis**

In order to analyse the cartoon image, some policy contextualisation is required to uncover the
meaning and circumstances referenced in the cartoon. Here I have used Bacchi’s (2009, 2012a,
2012b, 2012c) approach to policy analysis to make sense of asylum seeker and refugee policy
regimes. Her post-structural framework utilizes Foucault’s concept of “thinking problematically” (Foucault in Bacchi 2012a, p. 1). Bacchi says that Foucault’s purpose was to
reveal “how governing takes place” through the analysis of “problematising moments”; that is,
key moments of practice change (2012a, p.2). Bacchi’s work incorporates Foucault’s problematizing idea to suggest that “the political destiny of a reform...is tied to the way in which it is framed” (Bacchi, 2012c, p.151). This view challenges, quite fundamentally, the position that policy making is a straightforward process of finding “an evidence-based solution to an objective problem” (Bletsas & Beasley, 2012, p. 4). Bacchi’s policy analysis framework forces us to confront how questions of power, social construction, politics and world views shape both which matters become policy issues, and how states respond to and problematize these issues.

Bacchi’s approach is based on a beguilingly simple proposition; “…that what we say we want to do about something indicates what we think needs to change and hence how we constitute the ‘problem’” (Bacchi 2012a, p. 4). Bacchi says the approach is “… a resource, or tool, intended to facilitate the critical interrogation of public policies” (2012b, p. 21) and which provides a framework for critical thinking that interrogates the underlying assumptions and representations of the policy issue being studied. This makes the conceptual ideas, values and rationalities which have constructed the policy ‘problem’ visible and as Bacchi argues,

…the goal is to stand back from taken-for granted objects and concepts to determine how they have come to be through studying heterogeneous strategic relations – the politics – that have gone into their making (2012a, p. 5).

Moreover Bacchi states plainly that the task of policy analysis is to “read policies with an eye to discerning how the ‘problem’ is represented within them and to subject this problem representation to critical scrutiny” (2012b, p. 21). Fischer (2003) reinforces how discourse analysis contributes to policy analysis with his observation that “basic to the politics of policy making, then, must be an understanding of the discursive struggle to create and control systems of shared social meanings” (p. 13). He argues that the discursive struggle in which policy actors are involved means they are like playwrights; “…engaged in the manipulation of signs and symbols that shape the way these objects are seen and understood” (Fischer 2003, p. 23). For Bacchi and Fischer language, discourse, symbols and stories reveal how policy making is a social construction, made of circumstances, context and values. Moreover because “Policy-making is based on persistent practices of sense-making and ‘reality’ construction in which words and talking are central” (Bessant et al 2006, p. 19) it matters deeply both who can speak and what is said. Bessant et al’s insight provides a sharp and salutary political lesson; “Those who control the discourse control the power to mean” (Yeatman, & Hum cited in Bessant et al 2006, p. 20).
The use of a policy analysis method provides an important complement to semiotic method for interpreting and making sense of these cartoons. While political cartoons are the primary evidence in this thesis, “multiple forms of discourse” (Tafte 2007, p. 9), including policy documents, Hansard debates on race and asylum seeker and refugee issues, newspaper articles and editorials, as well as more conventional academic literature on asylum seekers and refugees have been used. While the availability of and access to both historical and more contemporary cartoons was important for the development and structure of this thesis, the pattern of cartoonists’ engagement with race and asylum seeker and refugee policy is uneven. In some instances cartoonists have not responded at all. Where gaps have emerged, the availability of the materials identified above enabled the development of a coherent policy story.

**Thesis structure**

While the thesis is structured chronologically around key asylum seeker and refugee policy developments, Chapter One, *A Moral Stand: Ronald Ryan and a political cartoon controversy*, introduces the thesis task. That task is to demonstrate how political cartoons both provide deep insights into the ‘political’ and issues like immigration politics and asylum seeker and refugee policy, as well as provoke questions about how political cartoons work. To do this I use a fiercely contested matter from late 1960s Victorian politics; the execution of Ronald Ryan and the cartoons of Les Tanner and Geoff Hook representing this matter. The cartoons of Ronald Ryan’s hanging and the capital punishment debate in Victoria demonstrate the differential cartoon treatment of political events and circumstances, and the varying capacity of political cartoons to represent and intervene in those politics. Where Tanner’s cartoons bristle with outrage, and exhibit a singular capacity for “fearless speech” (Pearson 2001), Hook’s cartoons offer humour and mild rebuke. I then use Tanner and Hook’s cartoons to review the theoretical literature on political cartoons for clues on how political cartoons work and to examine debates about the function and purpose of political cartoons.

In Chapter Two, *Visualising White Australia: Colonial politics, race and Australian cartoonists 1886 – 1901*, I use the cartoons of pre-Federation Australia which offer important insight into the

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5 During 2009 I conducted one-off, face-to-face interviews with Bruce Petty, John Spooner, Fiona Katauskas Peter Nicholson, Jon Kudelka and Andrew Dyson. The purpose of these interviews, at an early stage in the thesis, was to establish an understanding about the general nature and function of political cartoons.
racism and xenophobia which shaped White Australia and the nation’s first exclusionary immigration policies. These early cartoons demonstrate how political cartoons respond to government policy, and both represent and express racist ideology, mobilizing fear and xenophobia. The racist images of Phil May, Luther Bradley and Livingston Hopkins powerfully transport us to modes of reason which privileged white men and women, and reinforced messages of racial purity and provided the underlying logic for immigration restriction. This formative ideology was the foundation of Australia’s national exclusion, and while it remained formally in place for more than sixty years into the twentieth century, this long history of racist sentiment has not left us. Rather it simply ebbs and flows.

The focus of Chapter Three, *Reffos and the good international citizen: Australian policy engagement with Jewish refugees and Displaced Persons 1941 - 1948* is Australia’s reluctant acceptance of both Jewish refugees in the late 1930s, and of Displaced Persons in the post 1945 period. This era is contextualized in the cartoons of John Frith, Cecil (unk) White, Norman Hetherington, Ted Scorfield and Mick Armstrong. In pre- and post war Australian racial exclusion policies were a feature of policy shared with other Western nations, directed especially against Jews fleeing Germany. The political cartoons about Immigration Minister Calwell’s highly contentious and controversial post war refugee re-settlement program provide an insight into popular opposition towards ‘reffos.’ As well the cartoons show the price the Australian state extracted from refugees and Displaced Persons for resettlement. The refugee cartoons of the 1940s capture the tensions and debate about Australian immigration policy and populating the nation. Hetherington and White represent the anti-Semitic, race based opposition to non-British people, while Armstrong and Frith represent an anti-oppressive, humanitarian position. Both positions were evident in the Australian government policy regimes developed in response to the particular international geopolitics of World War Two and its aftermath.

In Chapter Four, *Becoming the unwelcome country: Cold War politics, White Australia’s demise and Indochinese boat arrivals 1975 – 1979* I examine the Whitlam government, and then the Fraser government’s reluctant policy engagement with Vietnamese refugees after the 1975 fall of Saigon. The political turmoil in Vietnam, and in Cambodia and Laos resulted in the displacement of more than 2 million refugees. Australia’s moral obligation to accept Vietnamese refugees, as part of the Cold War politics, barely stretched to refugees from Cambodia and Laos. The arrival of refugees from Asia challenged Australia’s race relations
after the abolition of White Australia, and the introduction of Race Discrimination legislation. During this time Australia’s first refugee policy was developed. However as the cartoons of Hook, Lurie, Moir, Nicholson, Petty, Tanner, Tandberg and Vrbancich demonstrate, the nation’s response to the Indo-Chinese refugee crisis and ‘boat people’ was deeply contested.

Chapter Five, *Dog whistling refugees: Blainey, multiculturalism and the new politics of race 1983 – 1988* examines the emergence of a new politics of race, a consequence of Australia’s settlement of Indo-Chinese refugees and their families. This became the focus of cartoons and illustrations of Fitzjames, Hook, Mitchell, Moir, Nicholson, Pryor, Petty, Tanner and Tandberg. In 1984 the historian Geoffrey Blainey was at the forefront of this politics and the concern with levels of Asian migration and anti-multiculturalism. The Hawke government responded with a major inquiry into immigration, known as the Fitzgerald report (1988). A new politicised space for opponents of Asian migration and multiculturalism opened within the Liberal and National parties, with Opposition leaders Peacock and Howard both flirting with race politics. However it was John Howard who learnt how to dog whistle under Blainey’s careful tutelage. The 1980s’ race politics established a firm basis from which Australia’s regime of anti-refugee policies would be launched in the 1990s.

Chapter Six, *Making myths: mandatory detention, illegals and the myth of Australian humanitarianism 1989 – 1994* uses cartoons from Green, Lobbecke, Mitchell, Moir, Nicholson, Spooner, Tandberg and Tanner to examine the on-shore asylum seeker and refugee policy rationalities adopted initially by the Hawke-Keating Labor governments, and later extended by the Howard Coalition government. Beginning in the late 1980s Australia’s treatment of asylum seekers and refugees takes a new direction towards deterrence and punishment as part of the project of “re-figuring the territory of government” (Miller & Rose 2010, p. 90). The Western shift in “relative generosity” (Whitaker 1998) towards refugees is reflected in the “illegalization of migration” in western nations (Dauvergne 2008). These trends, and new refugee crises, such as the Tiananmen Square massacre and the 1989 Comprehensive Plan of Action (CPA), along with increasing numbers of refugees, place unprecedented pressure on Australia’s immigration and refugee systems. Australian policy responses attempt to resist global trends and exert control over the movement of refugees. Measures introduced at this time include mandatory detention, differential treatment of on-shore and off-shore refugees, the prevention of judicial review of refugee claims, and the use of temporary protection rather than permanent residence for on-shore refugees. This transformation reflects a new
hostility towards refugees, and was directed initially towards Cambodian refugees arriving in boats.

Chapter Seven, *Fortress Australia: Hanson, Howard and refugee exclusion 1996 – 2000* examines the beginning of a new era in Australian race and identity politics which was ushered in with the 1996 landslide election of John Howard's conservative Coalition government. Pauline Hanson and her One Nation movement demonstrated the political popularity of race and the Howard government, accepted Hanson's grievance politics to foster narrow attitudes and hostilities in both immigration and Aboriginal policy, which undermined and removed hard-won policy gains. Howard's call to oppose political correctness sanctioned a revival of public talk of racism and rejection. The Coalition both created, and fuelled the conditions for a more hostile national regime targeting the arrival of onshore asylum seekers and refugees, and undermining domestic land rights and reconciliation achievements. Using 'dog whistle' politics and persuasive discourses of illegality and queue jumping, unauthorised arrivals were represented as a threat to the nation’s security even as the myth of Australian generosity towards refugees was reassuringly reiterated and reinforced. A rare moment of genuine public support forced the Coalition government to accept Kosovo refugees. But as the cartoons of Hook, Knight, Leak, Leunig, Moir, Nicholson, Petty, Pryor, and Spooner indicate, a new fortress of “domestic closure” (McNevin 2008) was building in Australia to deter and exclude refugees.

The final chapter, Chapter Eight “… stop that flow of humanity”: *Tampa, September 11 and Australia’s state of exception 1999 - 2001* tells of the “dark times” (Arendt 1993) which characterise the contemporary era of Australian asylum seeker and refugee policy. The dark times have resulted less from what caused refugees to flee homelands and refugee camps, and more because of the terrible circumstances and changes which await them in western nations such as Australia. The arrival of the *Tampa*, the September 11 attacks on the World Trade Centre in the US, the adoption of the Pacific Solution and then Operation Relex, as well as the ‘Children Overboard’ incident, the sinking of the SIEV X and the November 2001 race election all occurred within the space of four months, and like a series of detonations, each generated its own momentum and contributed to the complete transformation of Australia's refugee policy regime.
The Coalition government responses to both the *Tampa* incident and the September 11 attack in the US heralded the ‘state of exception’ as a new mode of reason in shaping the nation state’s engagement with asylum seekers arriving in boats. The modest humanitarianism of previous decades, which had tempered the nation’s racist tendencies in both immigration and asylum seeker and refugee policy, though not entirely absent, was largely subsumed in the new deployment of the military, the imperatives of security and the excision of Australian borders. The historical compact to provide protection for refugees under the terms of the 1951 Refugee Convention and 1967 Protocol were irrevocably weakened and the state-led hostility towards refugees, which had emerged in the 1990s, was strengthened. This chapter concludes the thesis with a close examination of political cartoons of Knight, Leak, Nicholson, Pryor, Petty, Rowe, Spooner, Wilcox and Brown who have drawn the key events which led Australia to move after 2001 to declare a ‘state of exception’ (Agamben 2005) in Australia’s treatment of refugees.

The story of Australian refugee policy does not end here. The events of 2001 have been instrumental in setting the agenda for Australia’s future engagement with asylum seekers and refugees. A new and dark biopolitics emerged in 2001 to both exclude and punish those bodies who happen to be among the world’s most persecuted.
Chapter I  A Moral Stand: the 1967 Ronald Ryan case as a political cartoon controversy

In 1967 amidst widespread public and media opposition, the Bolte government decided not to commute the death penalty handed down in the trial of Ronald Ryan. In the previous years, both Victorian Labor and Liberal governments had commuted all death sentences. Indeed prior to the Ryan hanging, the Bolte government had commuted all thirty-five death sentences since it had assumed office in 1955 (Richards 2002). Richards says that the established pattern of commuting death sentences in Victoria meant that cabinet had become “…the de facto sentencing authority for murder in Victoria“ (2002, p. 251). Moreover, according to Richards, prior to the Ryan case cabinet “…commutations had been determined in a relatively enlightened manner” (p. 252). But Ronald Ryan was a policy exception and Premier Henry Bolte, a too-keen advocate of capital punishment, had every intention of seeing the man hang. In his 2002 account of Ryan’s life and subsequent death, Mike Richards describes this event as “…the central moral drama of the last fifty years” and a “cause célèbre in Australian political history” (Richards 2002, p. xvii-xviii).

It also became a cause célèbre which drew the attention and critical eye of some of Australia’s leading cartoonists including Geoff Hook and Les Tanner whose cartoons became embroiled in the fiercely contested politics set loose by the Ryan matter. Here is a paradigm case where a deeply political matter collided with the capacity of cartoonists to both represent and intervene in those politics. I want to use this case as an exemplar of my larger task in the rest of the thesis. That task is to think about 'the political' and how cartoons provide deep insights into both the politics and issues like immigration policy and the policies towards asylum seekers and refugees, as well as provoke questions about how political cartoons work. Let me start by briefly outlining something of the politics of the Ryan case.

The Politics of the Ronald Ryan Case

6 Manning and Phiddian’s (2002) finding from their analysis of cartoons from the 2001 election campaign was that all political cartoonists “took a moral stand” on the asylum seeker issue (2002, p. 45).
7 Richards (2002) advises that the Bolte government did make one exception with the decision to hang Peter Tait. Tait had been found guilty of the murder of an elderly Hawthorn woman and in 1962, despite the Bolte government’s decision, a successful High Court injunction commuted the sentence. Both Richards (2002) and Blazey (1972) argue that the Tait commutation represented a defeat for Bolte, and his enthusiasm for the Ryan hanging was revenge for not hanging Tait. Blazey says that when Bolte was asked in 1971 if this was the case Bolte replied that “I might have said so privately at the time – but that’s what I thought anyway” (Blazey 1972, p. 132).
For Ronald Ryan, the Bolte cabinet represented the last opportunity for the exercise of mercy after his legal appeals to the Victorian Supreme Court and High Court of Australia had failed. Ryan had been found guilty of murder and was given the then mandatory death sentence on 31 March 1966. Cabinet discretion over the death penalty was a powerful policy mechanism which previous history would have suggested would likely be in Ryan’s favour given the State’s record of reprieves. Writing in the Herald newspaper, Melbourne barrister Eugene Gorman described the fifteen year policy of reprieves as “settled practice” (cited in Blazey 1972, p. 136), and argued that the death sentence was not a matter of determining the most appropriate punishment for the crime of murder, because “For eleven years the Bolte government has consistently reprieved murderers some of whom were guilty of killings far more shocking than Ryan’s” (Gorman cited in Blazey 1972, p. 136).

Peter Blazey says in his Bolte biography that Bolte “…forced through cabinet the decision not to commute the death penalty on Ryan” (1972, p.132). Moreover both Blazey (1972) and Richards (2002) provide ample evidence of Bolte’s commitment to a forthright view that Ryan should hang, well before cabinet was due to consider the man’s fate. Blazey argues that the Ryan hanging was the “greatest crisis in Bolte’s life” which exposed Bolte’s “deep-seated insecurity” (1972, p.132). Bolte saw the division within the community over Ryan’s death sentence as another simple and straightforward political battle but one which Bolte felt he had to win at all costs. Blazey explains that for Bolte, Ryan’s hanging became, “…a matter of authority, of who should be ‘running the show’: the press, the ‘parsons’, the ‘bullfrogs’ up at the university, the wharfies – or himself” (1972, p.133).

The Cabinet decision of 12 December 1966 to hang Ryan on 9 January 1967 was widely unpopular. It drew extensive opposition from a diverse and seemingly unlikely mix of political, religious, media, legal and community interests which included the Labor opposition, the DLP and even members of Bolte’s own cabinet (Blazey 1972). Blazey says that the cabinet dissent “…spread outwards in widening circles until it engulfed and polarized the entire Victorian community” (1972, p.135). Hanging Ronald Ryan generated deep moral debate about the

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8 Richards (2002) provides evidence that Bolte told key Melbourne media executives John Williams, managing director of The Herald & Weekly Times (which published the Herald and Sun newspapers), and Ranald Macdonald, managing director and Graham Perkin, editor of The Age “that he was determined to see Ryan hanged” (p. 255).

9 Rupert Hamer was one of the four cabinet members opposed to the hanging (Blazey 1972)
place of capital punishment\textsuperscript{10}, with the press and others actively campaigning for its abolition and making a case for mercy for Ryan. Along with the press many groups became politically active. University students maintained a ten day vigil on the steps of Parliament, unions proposed industrial action and marched on Parliament, and rallies were held outside Pentridge prison.\textsuperscript{11} Rather than engage with this opposition, Bolte simply attempted to discredit it, claiming that the people protesting against the hanging were the same people who were also campaigning against the war in Vietnam (Richards 2002, p. 287). The most coordinated and sophisticated opposition came from the Anti-Hanging Committee formed in 1962 to lobby the Bolte government for a reprieve for convicted murderer Peter Tait. Bolte had been a keen advocate for hanging Peter Tait in 1962. The Cabinet decision to hang him was seen as a victory for Bolte’s leadership and authority within Cabinet and his party. However after the decision was taken to hang Tait, he was found to be insane and so was granted a reprieve (Richards 2002, p. 278). Bolte was deeply annoyed at this turn of events. He is claimed to have stated to an Age journalist, “the next bastard I’m going to hang” (Hills 2010, p. 282). The Anti-Hanging Committee were no rent-a-crowd protest movement, but were a who’s-who of Melbourne society, “…boasting a number of church, academic, legal, arts, sporting and political luminaries” (Richards 2002, p. 288).\textsuperscript{12}

The decision regarding Ryan’s life shifted from the courtroom to Cabinet in less than eight months, with Bolte assuming what many commentators thought included the role of judge, jury and executioner. Many believed that Bolte scheduled the fateful cabinet meeting to consider Ryan’s destiny when parliament was not sitting as a way of avoiding scrutiny

\begin{footnotesize}
\begin{enumerate}
\item An Anti Hanging Committee, led by Barry Jones, which had formed in 1962 to campaign against the hanging of Peter Tait, was re-established to campaign against Ryan’s sentence. The Committee funded an unsuccessful 1967 Privy Council appeal on Ryan’s behalf.
\item HM Prison Pentridge was Victoria’s large, high security prison until its closure in 1997. It was a large bluestone building first opened in the mid 19\textsuperscript{th} century, and it represented the harshest aspects of Victoria’s law and order regime. Ronald Ryan was not unfamiliar with Pentridge having been incarcerated there in 1956 (5 weeks on remand), in 1960 (sentenced to eight and a half years, but with a minimum of three and a half to serve for stealing and factory- and store- breaking (Ryan was subsequently transferred to Bendigo training prison in 1961 and was released from there 1963)), and in 1964 (sentenced to eight years for stealing, factory- and store-breaking and armed burglary). It was from this last conviction that Ryan escaped from Pentridge in 1965 and during the escape shot a Pentridge prison warder. He was subsequently caught and again returned to Pentridge. Ryan’s 1966 death sentence saw him remain at Pentridge where the hanging was conducted in D Division block on Friday 3 February 1967 (Richards 2002).
\item The Anti-Hanging committee and its supporters were indeed a mixed bag of citizens and included Barry Jones, Clive Stoneham, Frank Sedgeman, David Scott, Peter MacCallum, Roy Grounds, Harold Blair, Stephen Murray-Smith, Richard McGarvie, Prue Myer, Geoffrey Sambell and many others.
\end{enumerate}
\end{footnotesize}
Bolte’s decision to refuse to meet with the many anti-hanging deputations, representing a diverse mix of church, business, legal, union and media leaders who publicly pleaded Ryan’s case for mercy, was described by ALP Opposition Leader Clive Stoneham as “arrogant, dictatorial and undemocratic” (The Age 14 December 1966). Anglican Bishop Geoffrey Sambell echoed this view of Bolte’s behaviour with his statement that “the community was facing something “pretty dangerous” with the type of authoritative power being wielded by the premier in his refusal to meet with responsible people” (The Age 14 December 1966). However Bolte could not avoid the scrutiny, opposition and commentary of the press, particularly from editors, journalists, readers and cartoonists. Richards (2002) observes that the extent of the press coverage devoted to the hanging after the cabinet decision was unprecedented in Victorian history. The Age claimed that the “…decision to hang Ryan has proved one of the most controversial social issues involving the people and the Government…” (‘Public Opinion on Hanging’, The Age, 25 January 1967).

**Drawing capital punishment**

The decision to hang Ryan was announced just prior to Christmas, and was considered “particularly obnoxious” for the community and Christians in particular (Muir 1972, p. 90). Geoff Hook’s cartoon published in the Sun, ‘How do you like our decorations…?’ quietly captured this sense of a community offended. Amidst the bustle of a busy Swanston street, Hook has replaced the City of Melbourne’s traditional festive decorations with a string of nooses. The droll comment of one white-collar worker to another, ‘How do you like our decorations…?’ is a comment on the timing of hanging, invoking both outrage at capital punishment, and the tarnishing of the Christmas message. Hook’s use of the noose is a powerful and ambiguous visual metaphor.

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13 At the Cabinet meeting to decide Ryan’s fate, two other convicted murderers, Antonio Rosamilla and Robert Parslow had their death sentences commuted to 25 years and 20 years respectively (‘Hanging of Ryan set for Jan 9’ The Age, 13 Dec 1966)
‘How do you like our decorations...?’

Geoff Hook, Sun, 14 December 1966

The Sun newspaper proved staunch in its virulent opposition to the Bolte government’s decision to hang Ryan. The editorial (Sun, 13 December 1967) argued that the government decision “…had plunged Victoria back into the dark, medieval days of capital punishment…in this return to the old relentless law of retribution.” The other Melbourne newspapers, the Herald and The Age both campaigned against the hanging with The Age reporting Opposition leader Stoneham’s condemnation of the decision as an “an official reversion to barbarism” (The Age, 13 December 1967). Even though Bolte refused to meet with Christian church leaders, their views were reported extensively in the press. Many were appalled at the timing of the decision saying that Cabinet “…calls upon us to make part of our preparations for Christmas the appointment of a representative hangman to do our job” highlighted how state sanctioned capital punishment implicitly involved all citizens (The Age, 13 December 1966). The heart of the opposition case was captured neatly by Anglican Dean of Melbourne, T. W. Thomas, who argued that “…more than ever before people are questioning the right of the State to take a human life in this way” (The Age, 13 December 1966).

The same day The Age editorial highlighted the political nature of the Bolte government decision, arguing firstly that the politicians in the Cabinet had little knowledge of the law, and that the decision regarding a man’s life was not a legitimate responsibility for laymen to discharge. Secondly the editorial argued for progress, claiming that capital punishment had been

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Richards clarifies that the Anglican, Hebrew, Presbyterian, Methodist, Uniting, Congregational, Church of Christ, the Society of Friends and Catholic churches opposed the hanging, while the Salvation Army, the Lutheran Church and the Bible Union did not (2002, p. 289).
rejected by other states in Australia and internationally, and Victoria could not continue to accept “…judicial killing as a means of punishment and as an instrument of an enlightened Government’s policy.” The editorial’s conclusion was that “…the noose cannot be justified except by those who want revenge” (Editorial, The Age 13 December 1966).

Victoria’s city-based newspapers were unified in their opposition to Ryan’s hanging with one notable exception. Press baron Frank Packer was one of the few vocal supporters of capital punishment and of Bolte. He was in clearly favour of the Ryan hanging. Packer owned Melbourne television station Channel Nine and the Sydney Daily Telegraph, and had purchased the Bulletin magazine in 1960. He used the combined forces of his media empire to try to stifle the growing debate on capital punishment by praising Bolte’s actions in a Daily Telegraph editorial and withdrawing a BBC documentary, ‘The Penalty is Death’, from broadcast on Channel Nine. Finally and notoriously, Packer ordered the recall and pulping of 40,000 copies of the 4 February 1967 edition of the Bulletin magazine which contained a Tanner cartoon and a Peter Coleman editorial which were both critical of Bolte and the Ryan hanging (Blazey 1972; Turner 2000; Richards 2002). For Packer, the cartoon mattered deeply because Tanner’s “moral stand” contrasted markedly with his own (Manning & Phiddian 2002, p. 45).

Les Tanner had joined the Bulletin as a political cartoonist as part Packer’s takeover program designed to modernize the magazine in 1960. For Tanner, joining the Bulletin made him part of that noble lineage of Australian political cartoonists who have worked on the magazine. Former editor Peter Coleman (1997) claims the Bulletin nurtured the ‘black-and-white art’ of political cartooning in Australia. The roll-call included Livingston Hopkins, Phil May, Norman Lindsay, Will Dyson and David Low (Rolfe 1979; Coleman 1997; Haigh 2008). In her

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15 Great Britain abolished capital punishment in 1965, and the last hanging was in 1964
16 Richards says that the two major Melbourne newspaper groups, the Herald & Weekly Times (owners of the Sun and Herald), and David Syme & Company (owners of The Age) had historically supported conservative Victorian governments but were united in their opposition to the Ryan hanging (2002, p. 311).
17 Hills described Packer as a “great enthusiast for capital punishment” and cites a Daily Telegraph editorial in which Packer proposed “killing 500 negroes” as a solution to US revolutionary violence (2010, p. 252-3).
18 ‘The Penalty is Death’, was a 60 minute BBC documentary examining the pros and cons of capital punishment (Richards 2002, p. 312).
19 Subscriber and library editions of the Bulletin had already been distributed prior to the decision to pulp.
20 New Zealander David Low joined in the Bulletin in 1911, and Rolfe reports that he strongly objected to the Bulletin’s promotion of White Australia. Writing in his autobiography he stated, “My instincts were opposed to the narrow nationalism” (cited in Rolfe 1979, p. 265). Other Bulletin cartoonists included Norman Hetherington (Heth), Ted Scorfield, Sid Black, Will Rushton, Arthur Nicholl (Kurt Nodt) and Cecil (Unk) White.
illustrated history of the *Bulletin*, Rolfe notes that Tanner, like Low before him, was the “…only *Bulletin* cartoonist entirely confident of expressing his political mind” (1979, p. 263).

Tanner explained that his brief meant he “…had to be funny, and preferably outrageous because it was a time of satire - the *Observer, Nation Review, Oz, Tharunka*” (Tanner in Turner 2000, p. 56). Tanner argues that Packer transformed the *Bulletin* from its racist worker origins into a more radical, and Tanner suggests, a more “open publication” (Tanner in Turner 2000, p. 57). In their analysis of cartoon censorship in Australia, Manning and Phiddian point to Packer’s “brute proprietorial power” and note that his *Daily Telegraph* cartoonists were expected to “…obey orders” in the 1940s (2004a, p. 15 -16). While Packer “…rarely interfered” in the *Bulletin* during the time Coleman was editor (Coleman 1987, p. 89), he nonetheless strongly opposed Tanner’s cartoon of Henry Bolte, ‘I do not bow to mob protest – only mob support’, and Coleman’s accompanying editorial “The Day of the Quicklime”21 (Blazey 1972; Richards 2002).22

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21 Richards recounts how quicklime was poured into Ryan’s grave, on top of the coffin of the hanged man, as part of a “prison ritual … a final symbolic indignity to an executed murderer, intended to hasten the decomposition of the evil-doer” (2002, p. 392).

22 The 4 February 1967 edition of the *Bulletin* had been distributed to libraries prior to the Packer decision to pulp. It can be viewed on microfilm at the State Library of Victoria.
Tanner’s hangman is a knockabout Bolte, with the garb and countenance of an uneducated medieval brute, more garden gnome than state killer. Here Bolte looks slightly moronic as a dull witted peasant with a slightly sheepish grin and Rundle’s description of him as a “pugnacious old turnip” (2001, p. 45) captures well what I think Tanner is getting at. Tanner is ridiculing Bolte, and by ridiculing him, Tanner demonstrates Appiah’s (2010) claim that ridicule is one of the ways cultural change can take place. Bolte appears benign except for that hangman’s noose, held furtively behind his back. His talisman is the rope and Bolte has become the hangman literally and metaphorically. Here is Bolte the barbaric.

In this image, Tanner has captured the barbarism of capital punishment which Bolte so ruthlessly employed to end Ronald Ryan’s life. In effect Bolte’s barbarism becomes the barbarism of the state. This is the something “pretty dangerous” hinted at by churchmen in their vocal opposition to the hanging and Bolte’s failure to discuss his reasons for employing the death sentence. In Tanner’s cartoon we can see the behaviour Stoneham labeled “arrogant, dictatorial and undemocratic”. Decades later Bolte’s insecurity and defensiveness are still evident in Tanner’s 1967 Bulletin cartoon. So too is the authoritarianism and brutality which allowed a man to die by breaking his neck in a state sanctioned killing. This apparent
naiveté which becomes brutal is surely the point of Arendt’s (2006) famous account of the banality of evil, where ordinary people don’t think about what they do. Richards argues in the conclusion to his book that “…Ryan had been hanged because of the singular determination of an insecure and defensive premier concerned about shoring up his own political authority” (2002, p. 395).

Jack Galbally offers a further insight into the character of Henry Bolte. Galbally was the Labor leader in the Upper House who campaigned for the abolition of capital punishment in Victoria. In an extraordinary and tenacious reform commitment, every year from 1955 Galbally moved his private members bill in the Victorian parliament only to have it defeated every year until 1975 when capital punishment was finally abolished (Richards 2002, p. xii). Galbally said of Bolte, “His lack of compassion on matters of penal reform and hanging was due not to revenge but to a lack of understanding, and where ignorance is justice languishes” (Blazey 1972, p. 233). Tanner has captured Bolte’s “rustic idealism” (Richards 2002, p. 279) and his naïve interpretation of justice, crime and punishment. Bolte argued that Ryan should hang because he had killed an authority figure, a prison warder, and the death of a man in uniform warranted the death penalty because it was a “murder against authority” as distinct from a “murder against society” (Blazey 1972, p.140).

In an earlier parliamentary debate on banning live-bird shooting, Bolte provided an insight into both his own character and his views on political influence with a comment which Tanner subsequently used to great effect in his cartoon. Bolte said; “I am not prone to bow to public opinion…” (Richards 2002, p. 279). With his single-mindedness, Bolte had a keen ear for the populism of ‘mob support’ and in turn, his own political survival. At the November 1967 state election Bolte gained six lower house seats, giving him his best electoral result ever, which he of course claimed was the result of voter support for the Ryan hanging. Blazey quotes Bolte boasting of this victory, “If you want to win an election have a hanging – I proved that with Ryan” (Bolte cited in Blazey 1972, p. 146). The anti-hanging campaign and its associated political activism did not save Ronald Ryan. However the repercussions for those on both sides of the capital punishment debate were to echo in Victoria for many years to come. Blazey tells us the hanging “…affected some people deeply, politicizing many for the first time”

23 Capital punishment was eventually abolished in Victoria in 1975 on a private member’s bill from another Liberal Premier, Rupert Hamer (Richards; 2002).
24 Hills attributes Bolte’s electoral victory to gerrymandering orchestrated by Bolte (2010; 288).
(1972, p. 145). For others, such Les Tanner, Bolte’s continuing support for capital punishment fuelled an enduring animosity between the Premier and the cartoonist which led Les Tanner to caricature Bolte mercilessly.

**Tanner joins The Age**

The appointment of Graham Perkin, “the baker’s boy from Beluah,” 25 (Hills 2010, p. 17) as new editor of *The Age* in 1966, under youthful managing director Ranald Macdonald, was part of a project of modernisation on the part of the paper’s owners to transform the newspaper. In his biography of Perkins, Ben Hills says the new editor had three “must haves” which were essential for modernising *The Age*; “…a cartoonist, a columnist and a comic strip” (2010, p. 252). Perkins subsequently hired Sydney based cartoonist Les Tanner, employed columnist Phillip Adams and introduced *The Wizard of Id* comic strip. While Tanner’s new employment as the daily editorial cartoonist at *The Age* in 1967 gave him ample opportunity to draw cartoons featuring Bolte, Tanner “…never allowed the public to forget that Bolte stood for capital punishment – he habitually drew him with a hangman’s noose in his hands or dangling from his pocket” (Hills 2010, p. 254). Tanner was the first political cartoonist to be employed by *The Age* in over thirty years. 26 Tanner had already won two Best Cartoon Walkley Awards, in 1962 and 1965, for his *Bulletin* cartoons.

Graham Perkin had a very clear vision for *The Age*. He wanted “analysis and interpretation” from his newspaper, and argued that running *The Age* was different to selling soap or cornflakes, because he said it “…deals in words and ideas, and, if one likes to be pretentious about it, in truth…” (Perkin cited in Hills 2010, p. 265). Hills’ suggests that in Perkin, *The Age* was seeing a return “…to the tradition of David Syme” (2010, p. 254), with *The Age* “…not just a journal of record but also as an instrument of social change, challenging the status quo rather than endorsing it…” (2010 p. 266).

Perkin’s first major campaign against the Bolte government began shortly after his appointment as editor in 1966 with the push to save Ronald Ryan and abolish capital punishment in Victoria. The new editor sought a meeting with the premier, which Bolte boasted about some years later with his recollection that, “Graham Perkin came to see me

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25 Beulah is a small Victorian town in the Mallee region.
26 For a short period the Age published an afternoon tabloid called Newsday which Michael Leunig joined in 1969 as a political cartoonist.
with tears in his eyes. I said “the harder you campaign the tighter the noose around Ryan’s neck” (Blazey, p. 146). Bolte was indeed deaf to Perkin’s editorials pleading for mercy for Ronald Ryan. However, the campaign to abolish capital punishment was nonetheless kept alive at The Age. Les Tanner’s political cartoons were the catalyst for a “…mighty confrontation between the paper and government” (Hills 2010, p. 253). In Tanner, Perkin “…was looking for a great cartoonist, someone who would challenge the pomposities and pretences of Establishment Melbourne, and make it clear to the community that The Age was no longer the voice of the Liberal Party” (Hills 2010, p. 253).

A number of factors coincided to ensure that Tanner would do the job for which Graham Perkin had employed him. By mid-1967 when the dust seemed to have settled on the Pentridge gallows, the Liberal party state council rejected a move for a Royal Commission into capital punishment and re-endorsed the party’s capital punishment policy. In response Tanner produced a cartoon, ‘It’s good to know our platform is solid’, to accompany The Age editorial, ‘Closed Minds’. The editorial roundly condemned the Liberal Party for the “appalling irresponsibility” in its continued support for capital punishment, described as a “barbarous and immoral rite” (‘Closed Minds’ 1967). Tanner’s cartoon has Bolte as the condemned man, this time more gargoyle than gnome, in striped prison garb, positioned on the scaffold with the hangman’s noose secure around his neck. He stands above a trapdoor, awaiting the hangman’s release of the trapdoor and sure, if not sudden death.

His statement, ‘It’s good to know our platform is solid’ is a reference to the recent Liberal Party decision to continue its policy of capital punishment. The statement is clearly ironic, implying that if voter support shifts on capital punishment, Bolte would be politically dead. It seems that voter support for capital punishment was waning in Victoria. Hills says that “By the time Ryan was hanged, public opinion had swung convincingly against the death penalty, with only 39 per cent in favour…” (2010, p. 289). Bolte had built his argument for capital punishment on the power of the death sentence as a deterrent. However as public intellectuals like Barry Jones pointed out he had little evidence to substantiate this law and order myth. Without public support for capital punishment, Tanner suggests that it is Bolte himself who will swing metaphorically for this policy.
‘It’s good to know our platform is solid’

Les Tanner, The Age, 28 July 1967

With this image Tanner pushed the boundaries and willingness of the The Age to engage in political commentary. Hills (2010) reveals that Perkin was away in New York and his deputy editor Harold Austin refused to publish the cartoon. Tanner refused to draw a replacement, and took the cartoon to Perkin on his return, who promptly published it. Tanner held his ground and fuelled the animosity between Premier Bolte and himself, and between Bolte and The Age, which Bolte thereafter called that “dreadful pinko rag” (Hills, p. 254). Under Perkin’s leadership, The Age continued to challenge the Bolte government over a range of substantive
issues “…over the environment, over planning, over corruption in the public service and the police, and over the handling of the anti-apartheid and anti-war demonstrations” (2010, p. 254).

Perkin’s transformation of The Age into a media power relied both upon his courage and vision for the paper, and on two key operational strategies. One was the use of “campaign and comment” journalism (Hills 2010, p. 266), the other was the sophisticated use of “graphics and design” (Hills 2010, p. 255). Perkin’s politicisation of the paper led the politicisation of Victorians, with The Age a leading advocate in social, ethical and environmental campaigns. These campaigns were underpinned by strong editorials, investigative journalism and political cartoons. Tanner was the first political cartoonist to be employed by The Age in this transformative period, a key advocate who railed against the barbarous practice of capital punishment, challenging the practice, caricaturing the political actors and pushing social reform with biting words and pictures.

Tanner’s engagement with and responses to this ugly chapter in Victoria’s political history highlights both the role and significance of political cartoons in political engagement and policy reform, and the singular capacity of cartoons for “fearless speech” (Pearson 2001). In effect Tanner’s cartoons challenge myths about the legitimacy of state authority by portraying the premier of a democratic state, first as brutal hangman, and then as someone caught in his own web of political manipulation and deceit. Here I think we see something of the twin functions of political cartoons. They engage in myth breaking (Armstrong 2005), and in meaning making (Bacchi 2009; 2012; Boin et al 2005). Geoff Hook’s cartoon from the same period creates meaning from another perspective, ironically linking state sanctioned death with the celebration of Christian birth. For Hook, the relentless secular state rolls like a juggernaut over the religious holiday myth which promotes good will amongst all men.

Making Sense of Political Cartoons

These cartoons from the 1960s highlight the capacity of political cartoons to represent political moments, to analyse and interpret policy action and on occasion to intervene in a political process. They do this in terms that Iain Hacking (1987) has used to describe the two ways the physical sciences work; cartoons both represent and intervene. While the strength of Hook’s cartoon is its capacity to use a wry humour to engage with an ugly political
moment, in Tanner’s work it is the powerful visual representations of Henry Bolte, as the hangman on the scaffold, which is the strength of the cartoon. Tanner leaves no room for ambiguity by framing and naming Bolte in this way (Lakoff 2004). That cartoons from the same period, representing the same policy interpret and represent their political moments in such divergent ways, highlights the different insights, imaginative capacity and values employed by cartoonists. These cartoons provide different interpretations and representations of a moment of political action. They also point to the power of visual images to become part of the political process. Not only do they memorialise moments in time, they act to shape the political process. Both tell us about the substance of political action, but each cartoon differs significantly in its treatment of the issue and the politics of this brutal time in the 1960s. Tanner offers deep, shocking and confrontational policy analysis, while Hook provides subtle humour.

My discussion of the Ryan case and the production of one of the most famous and controversial political cartoons produced in Australia in the 20th century serves to introduce some of the key themes in my thesis. What also needs to be done is to ask how other scholars engaged with the role played by political cartoons and how I see my work contributing to addressing certain puzzles about the political cartoon. Let me start by outlining some of the conventional ways political cartoons have been understood.

Political cartoons are concerned with interpreting the meaning of political events, and mostly these events arise out of the politics of governing and governmentality. Cartoons provide representations of political leaders and their actions and behaviour. They document relations between key and dominant political interests. They report on contestation and debate about how the state should act. They query decisions about who should get which resources. They catch responses to crisis. They can comment on the minutiae of managing the enterprise of state. They can picture the imagined impact and consequences of political decision making for political actors, citizens, communities and territories. Like an errant time machine, political cartoons also provide us with fleeting glimpses of past realities, inscribing and interpreting the fleeting events and news of the day in images and words. In this way political cartoons capture the mix of political ideas, debate and pragmatism of political action (Johnson 2002). But cartoons are not simply another medium of news reportage, and to see them as such is to miss their depth and richness.
While a great deal about the impact of political cartoons is unknown, I do not intend exploring that aspect in this thesis. Rather the concern here is to better understand how political cartoons work, what they do and what they reveal about policy making and political life. Much of the cartoon literature has engaged with these very questions, and it is to this work that I now turn. Gombrich says that “many cartoons are neither humorous nor propagandistic and they satisfy us because they simply reduce a complex situation to a formula which sums it up neatly” (cited in Coupe 1969, p. 87). Mahood has a similar conception of political cartoons evident from the outset in her Australian study of colonial political cartoons. She has dedicated her research to the “man in the street in his capacity as a maker of history” (1973, p.4). Her assumptions and the logic of her dedication becomes clear with her argument that political cartoons were not “… the historian’s idea of history, but the common man’s reactions to the political events of his day” (1973, p.4).

Quoting Hofstadter, Mahood says that political cartoons are “a kind of portraiture of the life of nations drawn in broad and exaggerated strokes” (1973, p. 4). I think this view of political cartoons as national portraiture is somewhat “post-political” (Mouffe 2005, p.1) and misses the moments and episodes of political action which collectively constitute ‘the political’. Moreover political cartoons provide many differing and contested readings of the nation’s stories. Mahood elaborates on how the man-in-the-street’s view of history has been captured in political cartoons with her wry observation that cartoons represent “what the British man in the street would have said about the current situation if only he had thought of it first and had the wit to put it into words” (1973, p. 2). This view is somewhat endorsed by Manning and Phiddian’s characterization of political satire as “the citizens’ perspective” which they suggest is “one not deeply learned but distinctly impatient with the games played on our behalf, and at our expense” (2000, p. 48).

There has been an important debate in Australia about the function of political cartoons. On one side of the debate is Michael Hogan who argues that political cartoons “lampoon mercilessly” (2001, p. 31) with negative images which “…contribute to increasingly popular cynicism, primarily about politics and politicians, but consequently about the whole democratic regime” (Hogan 2001, p. 41). Hogan’s primary concern with political cartoons is their lack of balance, particularly between “healthy satire and a rather more destructive cynicism” (2001, p.
Political cartoonist Fiona Katauskas\(^2\) offers an insight into her relationship to, and engagement with the issues she draws demonstrating how political her work is;

I've got to care about the issue. If I don't have an opinion on something I will avoid doing it. One luxury of being a political cartoonist, is like being a columnist, you are allowed to have an opinion. I don't believe you should have to be balanced. Some cartoonists believe you should be balanced – I don't (Katauskas 2009).

I find myself with the alternative side of this debate, put by Manning and Phiddian and whose more nuanced view defends “the political cartoonists’ licence to mock” (Manning & Phiddian 2004, p.26). Manning and Phiddian’s position is based on their argument that cartoonists have “…a special privilege in modern democracies: they are allowed to be extravagantly critical of people and institutions in public life. They are modern-day court jesters…” (2004, p. 26). Manning and Phiddian suggest that the quality of being “set apart by their licence to mock the king” (Seymour-Ure cited in Manning & Phiddian, 2004, p. 26) means that “cartoonists may be comically entertaining, or society’s sages on a major public issue or on the actions of a leader, or both at the same time” (2004, p. 26). The authors suggest that political cartoonists work on the premise that the purpose of political cartoons “is to censure the actions of the powerful via the force of ridicule” (2004, p. 26). That political cartoons don’t have to be amusing is reinforced by Gombrich who assures us that “humour is not a necessary weapon in the cartoonist’s armoury” (1985, p. 131). Jon Kudelka offers a different view to Gombrich and highlights both the need to be humorous, and the role of humour as a justification for controversial cartoons.

It’s very important to be funny. If you start taking yourself seriously, you turn into the editorial and no-one wants to read that. There’s all sorts of funny, there’s funny ha ha, there’s funny ironic, there’s even black humor which is a harder thing to do in a newspaper. It’s the classic position of the satirist, like the jester, the bloke that can get away with it. The only thing that keeps you honest there is that you’ve got to be funny as well otherwise they’ll take you and burn you at the stake or cut your hair off, or something. More than one editor has said to me “you can get away with this as long as it’s funny” so that’s the general rule of thumb (Kudelka 2009).

Yet it seems there is more to the political cartoon than its humour. Fiona Katauskas suggests political cartoons can do different things and points to the different views cartoonists have.

Political cartoons have a multitude of jobs - it depends on what you think. Some political cartoonists think it’s to make people laugh, others would say it’s to

\(^2\) Fiona Katauskas is an Australian political cartoonist whose work appears in the Sydney Morning Herald, the Age, the Australian, the Australian Financial Review, the Bulletin, the Chaser, Eureka Street and New Matilda.
expose hypocrisy, as a form of satire. I would hope, in an ideal world, political cartoons would show you something new about an issue (Katauskas 2009).

American cartoon scholar Charles Press (1981) has usefully identified an important and distinguishing feature of political cartoons, which seems obvious but which I think needs to be both spelled out and examined. He says “…political cartoons…need to have an implicit appeal to do something political” (1981, p. 13). Fischer takes the idea of the political a step further with his observation from Leonard that political cartoons offer “visual thinking about political power” (1996, p. 7). Cartoonist Bruce Petty supports this view of what cartoons do with his observation that political cartoons provide “a graphic version of what’s going on” (Petty 2009). Manning and Phiddian’s primary concern is also to understand and assess the “political function” of cartoons as a distinct genre contributing to public debate and “as a sign of health in a liberal democratic polity” (2004, 26). The authors highlight how political cartooning is “an important measure of free speech” (2005, p. 127). Barry makes explicit the significant relationship between political cartoons and free speech with his observation that “the right to mock, ridicule and lampoon is inseparable from the right of free speech” (2001, p. 31).

The position being developed here is that political cartoons are a form of political speech (Klausen 2009), and if we accept as I do Barry’s free speech insight, then we accept the legitimacy and right of political cartoons to mock, ridicule and lampoon. However it is important to note that while Australia has a rich and extensive political cartooning tradition, free speech is not, and has never been protected in the Australian Constitution or in any statutory way. Free speech protection comes, as former Attorney General Michael Lavarch describes it, from

…an amalgam of a high-level constitutional skeleton and of flesh supplied by parliaments in various laws, particularly anti-discrimination legislation, and maintained by our courts through common law traditions and decision-making under statutory provisions (Lavarch cited in Burns 2013, p. 2).

Manning and Phiddian highlight the sensitive and fraught nature of political cartooning with their characterization of the “craft” of political cartooning as, “laughing with knives” (2004a, p. 11) and while the knives can do significant damage to the image and reputation of

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28 Bruce Petty is rightly considered by many to be Australia’s political cartooning elder statesman, having worked since the 1960s on the Australian, and then The Age newspapers. Phiddian says of Petty “he is the most analytical and least petty cartoonist we have” (2013, p. 187).
politicians and others, Manning and Phiddian tell us that it is highly unusual for political cartoonists to end up in court. They conclude that “…cartoonists enjoy something very close to immunity from prosecution” (2004a, p. 18). Notwithstanding the absence of guaranteed freedoms, Australian cartoonists have, with one exception, successfully been able to avoid the wrath of both the law and the community, and have not suffered the outrage, violence and imprisonment of international colleagues. Handsley and Phiddian conclude that Australian political cartoonists are “very unlikely to fall foul of defamation or sedition laws” (2013, p. 89) and that censorship from the “informal pressures” of newspaper interests, editorial policy and pressure, taste and community values is more likely (2013, p. 63). Manning and Phiddian note that while political cartoonists are usually not under “editorial direction” the range of influences impacting on their work

...include culturally dispersed influences: the law of defamation; legal advice and the fear of defamation actions; pressures internal to the news organisation; external lobbying; the shifting limits of 'good taste'; and the desire to be responsible (Manning & Phiddian 2004a, p. 16).

**Theorising Cartoons**

The question of how political cartoons work to reveal 'the political' begins to emerge with Manning and Phiddian’s (2004) discussion of cartoonists’ license to mock. In their support for and subsequent analysis of cartoonists’ license to mock, Manning and Phiddian argue that the intent and purpose of political cartoons ranges across a “provisional taxonomy” from “comic commentary to revolutionary satire” (2004, p. 26). Here the authors demonstrate Mouffe’s point regarding both the “passions” and “partisan character” of democratic politics. I want to suggest that political cartoons can be understood to perform in a way which “energises the democratic confrontation” (2005, p. 6). Mouffe’s argument helpfully explains that

The part played by 'passions' in politics reveals that, in order to come to terms with the 'political', it is not enough for liberal theory to acknowledge the existence of a plurality of values and to extol toleration. Democratic politics cannot be limited to establishing compromises among interests or values or to deliberation about the common good; it needs to have a real purchase on people's desires and fantasies (Mouffe 2005, p. 6).

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29 A 1982 cartoon by Patrick Cook published in the National Times was the subject of an unsuccessful libel suit. Architect Harry Seidler, who took the case to the NSW Supreme Court and then on appeal to the NSW Court of Appeal was unable to convince either court that he had been defamed (Handsley & Phiddian 2013; Manning & Phiddian 2004a).

30 In 2000 cartoonist Essam Hanaft was imprisoned in Egypt for libeling the deputy prime minister (Freedman 2012, 87). The cartoonists at the centre of the 2009 Danish controversy received death threats (Klausen 2009).
Mouffe draws on Carl Schmitt’s critique of liberalism and his “friend/enemy grouping” to argue the importance of conflict and antagonism as the basis of ‘the political’ rather than consensus. Moreover Mouffe says “only by acknowledging ‘the political’ in its antagonistic dimension can we pose the central question for democratic politics” (2005, p. 14).

Manning and Phiddian’s taxonomy incorporates and extends Coupe (1969) and Press’s (1981) classes of “descriptive, laughing satirical and destructive satirical” political cartoon categories, and adds a fourth, “savage indignation” (Manning & Phiddian, 2004, p. 26-27). Manning and Phiddian suggest that Geoff Hooks’ political cartoons are typical of the “descriptive” category of political cartooning, which is “especially suited to the expression of the status quo” (2004, p. 27). Hooks interpretation and treatment of the Ryan hanging confirms this assessment. Hooks’ is not challenging the legitimacy of capital punishment, he is “naturalising the political process for the audience” (Manning & Phiddian 2004, 27). As Press observes the descriptive cartoon can be “light entertainment” and this certainly seems to be feature of Hooks work (1981, p. 75).

Manning and Phiddian’s second political cartoon category, “laughing satirical” largely accepts “the legitimacy of those they criticise” (Press cited in Manning & Phiddian 2004, 28) and as Press argues “are corrective in keeping politicians honest without chastising them severely” (cited in Manning & Phiddian 2004, 28). Manning and Phiddian place the work of Geoff Pryor, Peter Nicholson and Mark Knight within this category and suggest that the laughing satirical political cartoon is an “integral part of political debate in …stable liberal democracies” (2004, p. 28). The category of “destructive satirical cartoon” is reserved for “consciously revolutionary” cartoonists of the right or left, and Press suggests the cartoons are “meant to be cruel and to hurt” (1981, p. 76). Press says “destructive satire is reserved for when the system’s legitimacy is in question …or be used against a society’s enemies by one who defends the system” (1981, p. 78). A number of Norman Lindsay’s 1918 Bulletin cartoons, such as his The Cause of War and The Hoof of the Beast31 which were virulently anti-German and reflect

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31 Morrison and Rowland describe ‘The Cause of War’ with the following: “shows an Ape like man in a Prussian pickelhaube, his blood-drenched hands about to grab a globe of the earth.” Their description of ‘The Hoof of the Beast’ reads “shows a young woman identified as ‘Civilization’ trampled beneath the cloven hoof of ‘German Ideas’ against the smoking ruins of some anonymous ruins on the Western Front (2010, p. 64).
The state has long recognized the power of cartoons. Kemnitz tells us that during World War I, in 1917 the US Government established a short lived Bureau of Cartoons whose task was to "mobilize and direct the scattered cartoon power of the country for constructive war work" (Kemnitz 1973, p. 86). By 1918 the Bureau was replaced by the Committee on Public Information.

32 The state has long recognized the power of cartoons. Kemnitz tells us that during World War I, in 1917 the US Government established a short lived Bureau of Cartoons whose task was to "mobilize and direct the scattered cartoon power of the country for constructive war work" (Kemnitz 1973, p. 86). By 1918 the Bureau was replaced by the Committee on Public Information.
Coupe uses Schiller’s definition of satire as “the awareness and revelation of a conflict between the real and ideal” and suggests that this conflict may be “...seen and expressed in two different ways, in an emotional and serious or in a humorous and jesting fashion” (1969, p. 89). Rather like the cartoon categories of Coupe, Press and Manning and Phiddian, Schiller distinguishes between emotional and serious satire which he labels “punitive satire”, and humorous and jesting satire which he terms “laughing or playful satire” (1969, p. 89). Coupe suggests that there was no difference in the intended outcome of either the punitive or laughing approach; both types point to their subject or society’s defects.

Patrick Oliphant says the cartoon provides “…the extra thousand-word perspective” (2004) which contributes to our understanding, engagement and possible enagement with contemporary political life. Political cartoonists use caricature and satire to give us their interpretation of political discourse, carefully negotiating the legal and editorial tensions of exposing and distorting official lies and tropes. From Rabelais’ medieval carnival and traditions of folk humour (Bakhtin 1984), though the magnificent caricature of seventeenth and eighteenth century politics, political cartoons have provided a space for conflict and antagonism where ambiguity, distortion, irony, satire and humour converge to capture ‘the political’. Though political cartoons have echoes of the past, they remain with satire at the vanguard of political commentary. Writing of popular culture in post 9/11 America, Gournelos and Greene point to “…the counternarrative to 9/11 discourse in which the past decade can be characterized as much by dissent – often in the form of ironic and humorous expression – as by acceptance of simplified notions of good and evil and amplified state power” (2011, p. 14).

Political cartoons have the capacity to both capture the present and to propose the future. That is, cartoons have a performative and interventionist element. More than this though, as Manning and Phiddian explain, political cartoons

...can speak up for the ordinary, bewildered citizen, ...or for a persecuted

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33 Friedrich Schiller was a late 18th and early 19th century German dramatist, poet, historian and philosopher. His friendship with Goethe resulted in the production of satirical writing in which they attacked their critics.

34 Adelaide born Oliphant was a New York Times political cartoonist who won the 1967 Pulitzer Prize for editorial cartooning.
minority… They can fix the images of public figures in our heads through caricature… They can suggest alternatives to the received wisdom and sound the alarm when more disciplined thought patterns are lulled into a false sense of normalcy. …They can question waves of hysteria. They can expose dishonest political (or corporate, or whatever) conduct to shame in our increasingly shameless society (Manning & Phiddian, 2004a, p. 4 - 6).

In many ways Manning and Phiddian’s sentiments are captured in Coupe’s reference to the cartoons of Nast and Low which he described as “weapons to fight the good fight” (Coupe 1969, p. 82). From a consideration of what political cartoonists do, to a consideration of how political cartoonists engage with us as readers, Kerr states that cartoonists are

… depicting aspects of society in a manner (often slanted) that enables us to see it afresh – with amusement, indignation, sorrow or agreement but never indifference. Whether we are shocked, laugh, weep or identify with the subject, this is art that connects with our lives and demands a response. What black and white artists throughout the ages have in common is… a missionary zeal to show us as we are…(Kerr 1999, p. 78).

Gombrich says that the cartoonist has the capacity to “mythologize the world or to try to dispel illusions” (1985, p. 142) and how this power is utilized is demonstrated in the range of political representations provided by Tanner and Hook’s cartoons from the 1960s. To see the political cartoon as simply concerned with humour is to miss the moral imperative, the “moral seriousness,” the “moral tale” (Manning & Phiddian, 2004, p. 26) which is present in the cartoon. It is to miss the deliberate political engagement. Not surprisingly Irish poet Seamus Heaney, delivering his Noble acceptance speech in 1995 was alert to the political power of the visual with his observation that “The image has that documentary adequacy which answers all that we know about the intolerable” (Heaney 2013).

**The ‘Political’ in Political Cartoons**

UK political cartoonist Steve Bell says “…cartoons need to be disturbing, and they should also dare to ask questions” (Bell cited in Verrier 2009, p. 227). It is this deeper engagement, evident for example in Tanner’s work from the 1960s, that this thesis addresses. This thesis begins with the premise that there is both a substance and capacity of political cartoons that

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35 Thomas Nast was a highly influential 19th century American political cartoonist. Coupe says that he was described as Abraham Lincoln’s “best recruiting sergeant during the Civil War” (1969, p. 82). Nast was responsible for creating the elephant and donkey representations of the Republican and Democratic parties and his political cartoons exposed the corrupt activities of the 1870s New York administration. David Low, a New Zealand born political cartoonist who worked in Australia on the Bulletin before embarking on a distinguished career in England with Beaverbrook’s Evening Standard newspaper.
needs to be highlighted and rendered with clarity. Tanner’s Bolte cartoons and the campaign to abolish capital punishment continue the tradition historian E P Thomson termed the “nerve of outrage” (Thompson 1979, p. 231). Thompson was writing of his concern regarding the growth and expansion of British security and official secrets, “the state within the state”, and the lack of visibility, accountability and transparency of these operations. Here Thompson argued, resistance and opposition through democratic practice and traditions, to the power and brutality of the police state has been an “…ancient historical nerve” (1979, p. 231).

The biological nerve metaphor, which is either “inflamed” or “dulled” in response to the political decisions and directions of the state, is a powerful metaphoric conceptualisation of the waxing and waning of political activism and engagement and of how political cartoons in particular engage with policy issues and the interventions that define political life. Tanner’s powerful cartoons of hangman Bolte did not, on their own abolish the death penalty. Tanner and others were however part of a larger outraged minority whose dogged and persistent campaigning over many years finally delivered the abolition of capital punishment. Thomson explains that political change occurs through “…inflaming the nerves of outrage and resistance in a minority - a minority which, by patient agitation and political education, has often been able to influence the majority, and, in the long run, secure some reversal of the pretentions of power” (1979, p. 230-1).

What interests me in this thesis is both the capacity of political cartoons to capture, interpret and analyse political moments and discursive shifts, and the power of cartoons to intervene in political process. Political cartoons work by representing political events. They seek to convince us to see and think freshly, imaginatively or critically about the world. This is demonstrated by Tanner’s transformation of the authoritarian Bolte into a medieval hangman. Why is this believable? How do we come to accept this vision and the representation of Bolte? What do the cartoon representations of Bolte and capital punishment tell us about politics?

One answer is provided by Latour who says that “…no activity [is] more despised than that of politicians, no sphere more inviting to irony, satire, debunking, derision, than the political sphere…” (2008, p. 318). Our imagination accepts Bolte as hangman because this is how we generally think about politicians, as devious figures able to subvert the common good, who operate in secret behind a veneer of media and parliamentary scrutiny. However Latour
argues that to treat the political simply as the institutionalised space of politics overlooks the issues and concerns people have about their worlds. He says these issues are political because “…- each issue – generates a different pattern of emotions and disruptions, of disagreements and agreements” (Latour 2005, p. 5). In seeing these issues as objects, he says “objects – taken as so many issues – bind all of us in ways that map out a public space profoundly different from what is usually recognized as ‘the political’” (Latour 2005, p. 5). Moreover Latour argues that political philosophers have been overly focused on systems of government and representation, “procedures to authorize and legitimize” but largely silent on the issues of public concern; “…political science is mute just at the moment when the objects of concern should be brought in and made to speak loudly” (Latour 2005, p. 6).

Writing about the challenges and difficulties for citizen engagement in global climate change policy debates, Latour (2010) draws on Lippman’s 1925 book, The Phantom Public to highlight how this global policy debate unsettles assumptions that the sovereign state, a democratic public and policy process can resolve contested issues. Latour uses Lippman’s idea of a “phantom public” to highlight the disjuncture across citizen capacity and influence, powerful vested interests, nations and complex policy issues. Lippman says

… it is controversies of this kind, the hardest controversies to disentangle, that the public is called in to judge. Where the facts are most obscure, where precedents are lacking, where novelty and confusion pervade everything, the public in all its unfitness is compelled to make its most important decisions. The hardest problems are those which institutions cannot handle. They are the public’s problems (Lippman cited in Latour 2010, p. 228).

I want to suggest that political cartoonists draw for a “phantom public”, and some like Tanner, draw the “public’s problems” which by the nature of their representation and interpretation demand readers to engage with controversy. Latour says, rightly I believe, that we are “Lost in the problem, the public is now also lost in the media addressing the problem” (2010, p. 22). Indeed the burden of our time is the depth and degree of complex controversy with which we are confronted, although the irony of our time is not a lack of information, but an excess of information. Mindful of this, Latour observes that “… there is no single institution able to cover, oversee, dominate, manage, handle, or simply trace an issue of such shape and scope” (Latour 2010, p. 228).

The political cartoon is an especially significant medium in the twenty-first century, being both an old, established tool of communication, and “one of the last redoubts for undisciplined,
unspun commentary” (Phiddian & Manning 2013, p. 3). Cartoonist Jon Kudelka\textsuperscript{36} says that “political cartoons are one of the neatest kind of information delivery systems for politics that you can possibly find” (Kudelka, 2009). Political cartoons successfully cut through government information and image management, media control and libel laws in their treatment of complex and controversial political events and issues. Political cartoon scholars tend to regard political cartoons as a legitimate part of the media landscape, producing “drawings with a partisan message” (Press 1981, p. 19) and with “a desire to comment in a very public way on political and social issues” (Turner 2000, p. v). For Press, “the cartoonist is part of the linking process which connects the general public to its political leaders” (1981, p. 11).

**Political Cartoons and Caricature: “seditious drawings”**

In his discussion of the history of political cartoons, Coupe (1969) argues that this linking function of political cartoons has a long history which is evident in the English cartoons of Gillary\textsuperscript{37} and Tenniel and the American work of Nast as well as the German cartoons of Heine. To this collection we should add the work of French illustrators Daumier, Grandville and Travies to demonstrate just how widespread political cartooning traditions were in the eighteenth and nineteenth century (McWilliam 2010). Coupe suggests that the political cartoon was not simply the next stage or progression from seventeenth century caricature. Rather Coupe tells us that “the printed picture as a didactic or polemical vehicle is almost as old as printing itself”(1969, p. 85).

The political cartoon as we know it, is a fusion of “portrait caricature” and “emblematic or symbolic print”; a mix Coupe argues which was “the eighteenth-century political ‘cartoonists’ …applying to graphic art a technique which at least since classical times had been the standard device of the literary satirist” (1969, p. 83). While there is little disagreement that the political cartoon has a long and rich history, there is debate and confusion about the distinction between cartoon and caricature. Coupe says that historically caricature was an art form developed in Italy in the seventeenth century which was designed to “grasp the perfect deformity and reveal the very essence of a personality. The caricature, like every other work of art, is more true to life than reality itself” (Gombrich & Kris cited in Coupe, 1969, p. 85).

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\textsuperscript{36} Jon Kudelka is an Australian political cartoonist whose work appears in the Australian newspaper and the Hobart Mercury.

\textsuperscript{37} Press suggests that Gillray was the “first popular political cartoonist” (1981, p. 27).
Coupe recounts aspects of Paston’s 1905 history of caricature to explain how the tradition of caricature was imported to England via young Englishmen who commissioned Englishman Thomas Patch to draw their caricatures while on the grand tour in Italy. Caricature subsequently became the “new trick for political polemics” (Gombrich, 1985, p. 135) and was given political intent by Hogarth, Gillray, Newton and Cruikshank and other seventeenth and eighteenth century illustrators. Their elegantly detailed drawings carefully distorted and exaggerated the distinctive, and recognisable features and attributes of political leaders (Morrison & Rowland 2010). Mahood (1973) says that the word caricature is derived from the Italian caricare which “means to load or overburden” and she highlights the significance of caricature’s ‘loaded line’ which emphasises a subject’s features to make them more obvious, in the same way that “an inflected or loaded phrase conveys more than a plain statement” (1973, p. 8). Highlighting the relationships between the drawn image, the individual’s features and the reader, Mahood quotes cartoonist David Low’s observation that “real caricature is an intensification of human experience” (1973, p.8).

Prior to the transformation brought about by the Gutenberg printing press and the arrival of mass media, political caricature provided the only readily available representations of political figures. It was therefore an extremely powerful medium in Britain and Europe. Rogin says that “Caricature was originally an instrument of disapproval, often from a populist political perspective” and “caricaturists in the orbit of the French Revolution, … made scatology a subversive weapon” (1996, p. 14). Goldstein makes the observation that government leaders and rulers “frequently feared visual imagery even more than the printed word” (2012, p. 1). This well established pattern of fear also found its way to colonial Australia with early governors not encouraging caricature and governor King disturbed by “seditious drawings” as early as 1803 (Mahood 1973, p. 23). A regime of censorship operated in Australia until the first independent newspaper the Australian was published in Sydney in 1824 (Hirst, 2008).

The significance of a free press for the fledgling democracy, and the future heritage of political cartooning, was identified by Robert Waddell, proprietor and editor of the Australian, in his first editorial. He stated

A free press is the most legitimate, and, at the same time, the most powerful weapon that can be employed to annihilate such [individual] influence, frustrate

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38 Hogarth is claimed by many to be the father of English caricature (Mahood, 1973).
40 Prior to that time the colony’s only newspaper had been the official Sydney Gazette (Hirst, 2008).
41 Ironically Wardell was murdered in 1834 by a convict who considered him to be tyrant (Hirst 2008).
the designs of tyranny, and restrain the arm of oppression (Wardell cited in Speed 2011, p. 2).

The ruling French were especially sensitive to the power of the drawn, loaded image because so many of the nineteenth century population were illiterate (Goldstein, 2012). Goldstein’s quote from the 1852 French police minister helps us to understand why caricatured images were so feared, and as a consequence why caricature was so regularly censored in France and elsewhere (Fischer 1996; McWilliam 2010; Goldstein, 2012). The minister found drawings to be

…one of the most dangerous of all means used to shake up and destroy the sentiments of reserve and morality essential for a well-ordered society, especially because even the worst page in the worst book requires time to be read and a certain degree of intelligence to understand it while everyone could understand a caricature (Goldstein 2012, p. 1).

Conclusion

This chapter has used Ryan’s case and capital punishment in Victoria to introduce the thesis task. I’ve used the cartoons of Hook and Tanner to demonstrate the capacity of cartoonists to both represent and intervene in ‘the political,’ to take a “moral stand” (Manning & Phiddian 2002, p. 45). I have drawn on the cartoon literature to review how other scholars have conceptualised how cartoons work and here I am in agreement with the authors who argue that political cartoons range across a spectrum from consensus to outrage. My interest in this thesis is concerned with ‘the political’ in political cartoons, and understanding how political cartoons have represented and intervened in race and asylum seeker and refugee politics. In the following chapter I begin this task with an examination of cartoons from pre-Federation Australia.

42 While print censorship was abolished in France after 1822, the censorship of caricature had a long, if interrupted history over the period 1835 – 1881. The caricature censorship laws which were in place until 1830 were abolished and reintroduced 1835 – 1848, introduced again in 1852 and remained in place until 1881, although Wechsler tells us that in the latter period the “enforcement became more variable and lenient” (Goldstein, 2012; Wechsler 2012, p. 53).

43 In the US newly inaugurated governor of Pennsylvania Samuel Pennypacker introduced legislation in 1903 making it illegal to “to publish any cartoon ‘portraying, describing, or representing any person… in the form or likeness of a beast, bird, fish, insect, or other unhuman animal’” (Ronan 2008, 85). Ronan tells us Pennypacker had been portrayed by cartoonists “as a parrot with no words of his own” (p. 85).
Chapter 2 Visualising White Australia: Colonial politics, race and Australian cartoonists 1886 - 1901

At the height of the Tampa crisis in 2001, vocal critics of the Howard Government’s asylum seeker policies made frequent reference the long history of white racist sentiment and official policy that characterised Australian colonial politics from the 1880s (Hage 2003; Tsiolkas 2008). Ang was typical with her observation that the support for the Howard Government’s response to asylum seekers “is a clear indication of the continuing appeal of a view of the world associated with, and first made official in, the White Australia policy formulated one hundred years ago” (2003, p. 52). That worldview and its underlying sentiment, as is well known, was a core feature of the nineteenth and early twentieth century Australian labour movement’s political platform and would become national policy by 1901. As is also widely known, the device used to construct a racially based policy of exclusion was embedded in the first piece of legislation enacted by the new Australian Parliament, the Immigration Restriction Act 1901. That device was a language test applied to all potential migrants wishing to enter Australia.

In attempting to understand and explain the development of Australia’s approaches to asylum seeker and refugee policy, some reference to the past is required, for it is in the past that we can find the attitudes, assumptions and ideas about race which led to the White Australia policy and shaped later approaches to migration and ‘national identity.’ Kemnitz provides a useful insight into how political cartoons can contribute to this project of understanding stating,

The cartoon has much to offer the historian concerned with public opinion and popular attitudes. It provides little insight into the intellectual bases of opinion for which the historian usually has better sources but it can illuminate underlying attitudes. Not only can cartoons provide insight into the depth of emotion surrounding attitudes, but also into the assumptions and illusions on which opinions are formed (Kemnitz 1973, p. 85).

This chapter examines the circumstances and contexts of Australia’s colonial immigration policy approach. Using Kemnitz’s argument that political cartoons can be used “as evidence to answer wider questions” and their “value to historians lies in what they reveal about the societies that produced and circulated them” (1973, p. 81-82), this chapter examines political cartoons from the late nineteenth century which represent colonial responses to Chinese and Japanese migration. The anti-Chinese and anti-Japanese immigration restriction policies established the political, cultural and ideological imperative of race in the new colony and
broader Australian consciousness. In the contradictory moments of the new nation’s
development it is possible to see how democratic hopes for the future rested upon patterns
of racial discrimination, exclusion and vilification. Over time, racial politics in Australia have
always focused on a particular group. There are enduring themes and patterns which emerge
in Australia’s early treatment of migrants which continue to shape Australia’s policy
responses to asylum seekers and refugees; cartoon propaganda; a rabidly racist press; fears of
invasion; rights ambiguity; legal challenges; illegal detention; sending boats away; breaches of
international treaties; and the strategic use of population movement for political gain.

**White Australia and Colonial Australia**

The White Australia policy grew out of the cultural, ideological and political building blocks
which were consolidated throughout the nineteenth century, and were fully formed to
become the first piece of legislation of the new Federation. Locating the thinking and
assumptions underlying this policy fabric helps to explain how the nation bestowed
citizenship and asylum on some, and exclusion and rejection on others.

Lake argues that “Australian history has been written as the record of national experience”
resulting in “significant omissions from national narratives” (Lake 2003, p. 347). In
recognising the “founding idea of Australia as a ‘white man’s country” (2003, p. 346) Lake
urges consideration of wider, transnational narratives which show that dominant ideas about
race were not fixed but shifted over time and were part of a larger global project. With
Reynolds, Lake argues that there was a nineteenth century movement of “emotions and
ideas, people and publications, racial knowledge and technologies that animated white men’s
countries and their strategies of exclusion, deportation and segregation” (Lake & Reynolds
2008, p. 4). The result was an “imagined community” which was “transnational in its reach,
but nationalist in outcomes, bolstering regimes of border protection and national
sovereignty” (p. 4).

Ballantyne’s shared “colonial knowledge” (cited in Lake, 2003, p. 353) enabled the project of
making the “white man’s country” to spread across four continents. Lake and Reynolds
suggest this development “emerged in the context of the nineteenth century imperialisms and
the great modern migrations that saw some 50 million Chinese, the same number of
Europeans and about 30 million Indians migrate to new homes around the world” (2008, p.
6). This vast global movement of people settled in North and South America, South Africa, New Zealand and Australia, to “lands taken by force from their Indigenous inhabitants who were systematically displaced or destroyed” (Lake & Reynolds 2008, p. 6). Success initially hinged on Aboriginal dispossession. Lake and Reynolds argue that the newly established “white men’s countries” claimed legitimacy for their enterprise by “locating themselves in the long tradition of Anglo-Saxon race history,” speaking English and practicing new forms of democratic self-governance (Lake & Reynolds 2008, p. 6).

The paradoxes of “white men’s country” were many but one in particular is worth noting here; the idealism of democratic equality. The assumption that all white men were naturally equal, cultivated the view that “racial homogeneity seem[ed] imperative” and proponents accepted the view that democratic survival and success was contingent upon “the absence of distinctions of caste and colour” (Lake & Reynolds 2008, p. 6). Lake and Reynolds observe that in the rush and enthusiasm to shed the shackles of class and privilege, new settlers to Australia, North America and other newly formed “white men’s countries,” wrapped themselves in an ironic equality based on race. Fenna (2012) says that racial exclusion was shared by the US, Canada, New Zealand and Australia and confirms that “far from demonstrating a putative exceptionalism, the White Australia Policy was entirely typical” (p. 100). Moreover Fenna argues that the “‘White Australia Policy’ was really the ‘White Settler Economy Policy’” (2012, p. 109). Lake and Reynolds highlight how conceptions of manhood were linked with whiteness creating “masculine democracies” which defined their “identity and rights in racial terms” (2008, p. 7). For Lake and Reynolds, the ideals underpinning White Australia were framed by the joint imperatives of masculinity and whiteness, and institutionalized in labourist public policy regimes supporting adequate wages and good working conditions.

This “modernist vision” was enabled by Australian self-government and was essentially and ironically “utopian” (Lake and Reynolds 2008, p. 7). Opening the 1903 election campaign, member for Ballarat and new Prime Minister Deakin extolled the virtues and legislative achievements of the first federal parliament. Manning Clarke provides a summary of Deakin’s campaign speech:

Above all they had White Australia. White Australia maintained the conditions of life fit for white man and white women, meant equal laws and opportunities for all, meant protection against underpaid labour of other lands. White Australia meant a civilization whose foundations were built upon healthy lives under circumstances which implied no degradation (1999, p. 236).

**White Australia and the Cartoonists**

The idea that the Chinese had a “grip on” Australia and were to be feared was well established both culturally and politically by the 1880s. Phil May’s *The Mongolian Octopus - His Grip on Australia,* cartoon published in the *Bulletin,* provided the visual representation of these fears.

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45 Morrison and Rowland (2010) note that May’s octopus was not drawn “out of thin air” (p. 56). The octopus has some lineage featuring in Tom Carrington ‘Berryism’ Is this the thing to live on?’ cartoon which appeared in 1879 in the *Melbourne Punch.* John Tenniel, political cartoonist for the English *Punch* also used the octopus image in his 1881 cartoon, “The Irish Devil-Fish”.

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Tavan suggests that non-European, particularly Chinese migrants, had been the subject of immigration restrictions from the 1840s. Victoria adopted the first immigration restriction legislation in 1855 with the Chinese Immigration Act 1855, followed by South Australia in 1857 and in NSW the Chinese Immigrants Regulation and Restriction Act was passed in 1861. Tavan says that the legislative restrictions on Chinese migrants were the result of “acute hostility” and by the 1880s restrictions had been renewed and the consensus across the colonial governments was that Chinese migration “had to be halted” (2005, p. 9). This pattern of immigration discrimination was mirrored in the US, where by 1852 25,000 Chinese people had migrated to the California goldfields (Lake & Reynolds 2009). When physical hostility and violence did not send the new migrants back to Guangdong Province, a

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46 Phil May was an English cartoonist who was brought to the Bulletin by owner William Traill in 1886 and stayed in Australia for three years. He returned to London and continued to send cartoons to the Bulletin until 1894. He joined the London Punch in 1895 and found fame and success (Rolfe 1979, p. 47 – 48).
deterrent landing tax was introduced in California in 1850, “payable by the ship’s master for each alien passenger” (Lake & Reynolds 2009, p. 18).

Opposition to Chinese immigrants was evident in the shared mantras of both the US and Australia; the Chinese represented cheap labour, low wages and unfair competition. These “economic fears” are highlighted in May’s cartoon and stem from the “socio-industrial grievances” (Dyrenfurth 2010, p. 121) of workers in both nations. As well as working for less, the Chinese were viewed as competitors for jobs, and May’s cartoon implies that the quintessential Australian working man and his family will lose their home and chattels along with jobs to Chinese workers. However both Price (1974) and Burgmann (1978) dismisses the claims about worker competition, pointing out that “racism was merely given the semblance of rationality by the ‘unfair labour competition’ argument” (p. 26). Price says that “the great threat to the working class, the terrible capitalist plot to lower wages by introducing hundred of thousands of cheap Chinese laborers…in retrospect seems somewhat unreal” (1974, p. 229).

Burgmann draws on research into the Melbourne furniture industry47 to demonstrate that “the belief that Chinese workers depressed wage levels was not a cause of racism but merely an effect” (1978, p. 26). Her research suggests that the Australian labour movement contributed to the claims it made against Chinese workers, particularly the accusations that they would work for lower wages. Burgmann argues that this was the “fault of the racist attitudes of the trade unions which excluded coloured migrants and organised against rather than with them” (1978, p. 26). Pointing to the advantages of labour movement hostility towards Chinese workers, Burgmann suggests that employers benefited from this situation which resulted in cheap labour provided by the Chinese and the unions preoccupied with anti-Chinese politics.

In addition to economic considerations, Lake and Reynolds tell us that workers in both countries were opposed to the Chinese migrants’ “alien customs, clannishness, pagan rituals and lack of women” (2009, p. 18) and May has captured the fears of social breakdown attributed to the Chinese. He has represented the deep fears of sexual contamination and immorality, reflected in the Bulletin’s demand that “races not be allowed to mix” (Partington

47 Burgmann notes Markus’s research which found that Chinese workers did fight for better wages and working conditions, and they were prevented from joining the union by white workers.
Questions of inter-racial relations cut to the core of Australian ideas regarding masculinity and racial purity. There were fears that Australian working men would be seduced by the lure of opium, a legal drug and an alternative to alcohol consumption. Other vices which were perceived as threatening were the Chinese gaming houses, which offered fan tan and pak-ah-pu, a form of lottery thought by some to be weighted against winning. The claim that the Chinese were robbing Customs was related to Victoria’s 1881 Chinese Influx Restriction Bill which required that all Chinese immigrants over the age of twelve pay a ten pound entry tax. The assumption was that Chinese were evading the tax. A further formula for restricting entry was tied to ship’s tonnage so that “one Chinese migrant was allowed for every 100 tons of shipping” (Lake & Reynolds, 2008, p. 35).

The implications of bribery and corruption in the cartoon pointed to the difficulty of administering these policy requirements. However the Sydney Morning Herald explained the policy failure in very different terms stating: “one Chinaman so closely resembles another as almost to defy the restrictions of a written description” (Rolfe 1979, p. 145). Further weakening of white society was assumed though the physical threat of disease particularly smallpox and typhoid. Price (1974) says that some forty cases of smallpox had occurred in Victoria following the “arrival of a diseased Chinese seaman in 1868” (p. 171). Parkes argued in the NSW parliament that the Chinese were the origin of smallpox. There were proposals for quarantining all boats from infected Asian ports (Price, 1974). The Bulletin reported on cases of leprosy which were attributed to “disgusting co-habitation with the rice-eating, fantan-besodden, opium-soaked, pig-tailed heathen who represent the ‘yellow’ agony in Australia” (Rolfe 1979, p. 145).

The legislation and development of the White Australia policy, like its official death (Tavan 2005), was a long slow process shaped by both domestic and international influences. While Lake and Reynolds point to the international intellectual and political influences, Dyrenfurth

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48 The Melbourne Argus reported a City Court case involving two men, Louey Ali Lim and Wong Ah Hee who were charged with running a common gaming house which played pak-ah-pu. In response to the question ‘Is it a fair gamble?’ police detective O’Donnell stated that “The Government actuary worked out the chances against one drawing ten numbers, which entitles you to £75. They were 11 million to one” (Pak-Ah-Pu: “A Form Of Lunacy,” 22 July 1908).
(2010) highlights the importance of "visual propaganda" and the contribution of political cartoonists to the ideological myth-making required to build and sustain White Australia (p.17). He argues that political cartoonists were at the "forefront" of the Labor party's "racially inflected, populist propaganda" which advocated for the adoption of the White Australia policy, "for reasons heartfelt, pragmatic and simply racist, labour cartoonists drove this phenomenon" (2010, p. 116-121). Dyrenfurth argues that political cartoonists Claude Marquet, Montagu Scott, Jim Case and Will Dyson, whose cartoons appeared in labour publications such as the Australia Worker, Boomerang and the Brisbane Worker, "came to shape the culture of the labour movement and, ipso facto, that of the wider nation" (2010, p. 117).

For Dyrenfurth, political cartoons served to "inculcate shared beliefs and values; their medium contributed to the shaping and sustenance of a distinctive working-class identity in Australia" (2010, 118). Cartoonists’ representations of the “alleged threat posed by cheap non-white labour, a scourge which also endangered white citizens the continent over” (Dyrenfurth 2010, 115) contributed to the racist politics of Australian workers, the Labor Party, the colonies and later, the Federation of Australia. Dyrenfurth argues that the shared belief about white superiority “cut across class divisions in colonial society” and operated as the “great fosterer of imagined community” (2010, p. 121).

Dyrenfurth suggests that cartoonists working in the labour press, which at the time included the Bulletin, Sydney Illustrated News, Australiasian Sketcher, and the Melbourne and Sydney editions of Punch all adopted a shared imagery of racism which consistently portrayed the Chinese “as inferior, a cancer threatening the moral foundations of prosperous, egalitarian, white societies” (2010, p. 121). The Bulletin’s racist nationalism was proclaimed from its masthead, ‘Australia for the white man’, and its platform “Australia for the Australians – the cheap Chinaman, the cheap Nigger, the cheap European pauper to be absolutely excluded” (Partington 1997, p. 211). The paper’s “rabid hostility” (Morrison & Rowland 2010, p. 56) toward the Chinese was evident in the article accompanying May’s cartoon;

Diseases, defilement, depravity, misery, and crime…are the indispensable

49 Scott’s cartoons appeared in the Melbourne Punch and the Sydney Punch but Mahood says his best cartoons “appeared late in his career in the democratic columns of the Queensland Boomerang and the Worker” (1973, p. 66). Mahood also says that Scott spent his later years drawing racehorses.
50 William Lane was editor and part owner of the Boomerang. Dyrenfurth says that by the late 1880s, Lane was the “foremost radical journalist in Australia” (2010, p. 115).
adjuncts which make Chinese camps and quarters loathsome to the senses and faculties of civilized nations. Whatever neighbourhood the Chinese choose for the curse of their presence forthwith begins to reek with the abominations which are ever associated with their vile habitations (cited in Partington 1997, p. 211).

Morrison and Rowland suggest that May’s now famous image is “one of the most offensive cartoons in Australia history” (p. 56). The cartoon was spread over two pages, and was part of the Bulletin’s 1880s anti-Chinese campaign. On 1 May 1886 the Bulletin published an editorial titled ‘Unclean, Unclean’ and Rolfe argues that “this was followed by the major, planned and advertised anti-Chinese issue of 21 August” which contained May’s cartoon above, and “a long leader, “The Chinese must Go” (1979, p. 145). The cartoon captures all of the assumptions, labels and beliefs underlying the “white men’s country” thesis and identifies the basis of much colonial xenophobia.

Race was used by political cartoonists to create powerful images of the Chinese as the first of a long line of Othering in Australian immigration politics. The images drawn of Chinese people were fanciful, imaginative and exotic, and as Lake and Reynolds argue, largely based on ignorance of China, its history, culture and patterns of life. Moreover the authors note how Chinese immigrants who were the victims of vilification in Australia were surprised at “politicians’ ignorance of Chinese civilization and at the fact that law-making was based on such ignorance” (2008, p. 33). As becomes clear throughout this thesis, the pattern of ignorance in policy making which begins with early discrimination against the Chinese, comes to characterise Australia’s approach to immigration and its subsequent treatment of asylum seekers and refugees. The strategy relied upon seeing the Other as different physically, assuming the inferiority of the Other and developing a narrative to justify exclusion and discrimination. These narratives, evident in cartoons like ‘The Mongolian Octopus’ and ‘The Other Way’ relied upon the imaginative capacity of viewers to both see the Chinese in racist and xenophobic terms, and see themselves as white, pure and increasingly, as ‘Australian’. Dyrenfurth identifies the important role which race played with his observation that;

…race worked powerfully in visual terms whereby complex economic processes could be simplified by blaming a shadowy Other physically distinct from the majority white Anglo-Australian population (2010, p. 121-122).

The images of May, Bradley, Hopkins and other political cartoonists contributed to core political ideas about race which consolidated in the 1880s and shaped the national racial
agenda at Federation. Hage argues that these cartoons captured a “racism of disgust” which he calls “existential racism” which “involves a sentiment of disgust from the very proximity of someone experienced to be ‘from another race’” (2014, p. 233). Racial stereotypes took hold readily, assisted by the powerful propaganda of political cartoons. That the new nation was being forged through the visual images of racial fear, hatred and disgust is undeniable, and we can see through May’s ‘Mongolian Octopus’ how Australians saw and imagined the impact of Chinese people on the social, cultural and economic life of the colonies. For some understanding of how Australians saw themselves building a new nation and responding to Chinese immigration, the Melbourne Punch\textsuperscript{51} cartoons of Luther Bradley and those of Livingston Hopkins (Hop) who worked for the Bulletin, provide useful insights.

\textsuperscript{51} The Melbourne Punch amalgamated with the Bulletin in 1886 (Mahood 1973).
Victoria. — ‘Girls, there’s but one way to rid ourselves of this unsightly thing, and that’s by all taking hold together. A strong unanimous heave with this lever and the job is done.’

Chorus. — ‘Yes and if John \(^{52}\) should be the means of bringing us together, we’d have something to thank the Chinese question for after all.’

‘The Only Way’
Luther Bradley, *Melbourne Punch*, 10 May 1888

American Luther Bradley’s ‘The Only Way’ cartoon published in the *Melbourne Punch* portrays the united Australian colonies attempting to use the lever of Federation \(^{53}\) to rid the country of ‘the Chinese pest’. The cartoon was produced at a time when Chinese immigration was at the forefront of colonial and imperial politics. Under the terms and requirements of international law, the Australian colonies had persistently breached the 1860 Convention of Peking Treaty arrangements between Britain and China which entitled the Chinese to settle and move freely in any part of the British Empire (Lake & Reynolds 2008, p. 33). Persistent complaints of discrimination by Chinese living in Australia resulted in the Chinese government sending their Commissioners to hear petitions in Australia.

\(^{52}\) John is the shortened version of the racist name ‘John Chinaman’.

\(^{53}\) Mahood (1973) claims that the cartoon’s lever with the Federation message is actually a boomerang.
Lake and Reynolds say that Australian complainants required three matters to be addressed; abolition of the poll tax which breached “the principles of international right and equity;” abolition of the requirement for Chinese to pay the tax upon re-entry to Australia; and harsher punishment for those found guilty of abuse and violence towards the Chinese (Lake & Reynolds 2008, p. 38). Lake and Reynolds report that the Chinese Commissioners advised the Chinese Emperor of anti-Chinese discrimination and of treaty breaches, and recommended the establishment of a “network of consulate offices and a naval force to back up the Chinese insistence on the fair treatment of their people abroad” (2008, 38). The Chinese government advised the British government of the Treaty breaches inherent in the Australian colonies’ “exceptional and exceptionable laws” and the British in turn requested the colonies to both identify and justify the anti-Chinese immigration laws (Lake & Reynolds 2008, p. 39).

The colonial premier’s\(^{54}\) response was captured in Bradley’s cartoon; the colonies were united in their continued opposition to Chinese immigration and developed legislation to exclude all Chinese migrants. Moreover colonial governments saw that the formal unity of federation was required to resist British and Chinese pressure for migration reform. Burgmann (1978) argues that a united labour movement was also instrumental in pushing for Chinese immigration restriction. The Bulletin continued its trenchant anti-Chinese campaign leading with headlines such as, ‘The March of the Manchurian’ (Rolfe 1979, p. 145).

Lake and Reynolds report that the realisation that China’s population had reached 400 million was used by Victorian politician Charles Pearson to argue that “in the event of famine or war arising in China, Chinamen might come here at any time in hordes” (2008, p. 36). Clarke reports that the Bulletin wrote of what Chinese immigration would do to the nation; “‘members of the yellow race’... threatened to overwhelm ... the nation...was being slowly eaten up by imported vice and leprosy and by all kinds of moral and physical uncleanness” (1999, p. 16). However the Australian colonies were under the rule of the British Empire and the colonial position on Chinese immigration confronted a sharp, policy difference. The Bulletin urged formal independence from Britain as the only way that colonial Australia could

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\(^{54}\) The letters between Duncan Gillies the premier of Victoria and Samuel Griffith the premier of Queensland, published in the *Sydney Morning Herald* (30 May 1888) indicate that Gillies had requested that Her Majesty’s Government request the Imperial Government of China to “induce the latter to take measures for the prohibition of emigration of Chinese subjects to Australasia”.

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maintain control over its race politics. However as Clarke’s eloquent summary explains, the exuberant push for Australian self-government was tempered by Australia’s isolation and dependence on the British Empire;

So the radicals, visionaries, and dreamers of great dreams on the future of Australia, all those who believed that in Australia the answer was to be found to the problems of how to achieve equality without servitude, mediocrity or dullness, were confronted with an insoluble dilemma. For them independence was a prerequisite of radicalism: for the bourgeoisie dependence was a prerequisite of survival (1999, p. 18).

Bradley’s cartoon is an early representation of the importance and power of colonial unity as the ‘only way’ to solve the Chinese immigration crisis. Here unity had a double purpose; the colonies all needed to be united in their Chinese restriction policies; and this model of unity represented the basis for the formal push for Federation and independence from Britain. Bradley has represented the colonies as five young women implying that this is a domestic matter, and in the capable hands of women working together, with “A strong unanimous heave … the job is done.” The message is one of beguiling unity and speaks to the politics of unanimous support for white Australia, but the frontier imagery used in the cartoon is extremely violent as the women are pushing the beheaded John Chinaman off a cliff and into the sea. In some instances the nineteenth century massacres of Indigenous Australians involved beheading and herding Indigenous people off cliffs (Burgoyne 2000). Implicit in the cartoon is the suggestion that the combination of violence and political unity will ensure that Chinese people will be kept out of Australia. Bradley recognizes the political pragmatism evident in the colonies’ reluctant acceptance first of unity in responding to the issue, and then federation as the ultimate solution in the management of the new nation’s approach to immigration restriction. Kellaway neatly summarises the political opportunism presented by white Australia for both political parties;

It seems as if the Liberals realised the value of "White Australia" as a catch cry for drawing the radicals into support of Federation. And it seems as if the Labour groups saw it as a good rallying-point for drawing their rather disunited supporters into some sort of uniform Labour movement (1953, p. 13).
The Afghan Case, 1888

It was in the midst of the political storm regarding what was then known as “the Chinese question” (Clarke 1999, p. 16), that the steamship Afghan, a British ship, and the Burrumbeet arrived in Melbourne in April 1888, carrying 268 Chinese passengers (Lake & Reynolds 2008, 39). The Afghan was 1400 tons net, and under Victorian law this allowed the ship to only carry 14 Chinese migrants (as noted earlier one Chinese migrant was allowed for every 100 tons). The majority of passengers had naturalisation papers which “placed them on the footing of British subjects” however the Sydney Morning Herald reported that “the papers were unmistakably fraudulent” and “the onus was placed on each Chinaman of proving that the naturalisation paper he presented had been handed to him personally and not been handed or sent to him by another Chinaman” (4 May 1888, p. 4). When permission to dock was denied by the Victorian premier, the Afghan sailed to Sydney where it was also refused permission to dock. The press reports highlighted the angst caused noting,

…the arrival of the Afghan has produced a degree of excitement which is only to be accounted for by the feverish state of the public mind. A few months ago the arrival of a handful of Chinese immigrants would have attracted no notice, but the

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55 Of the 268 passengers, 67 were bound for Melbourne, 89 for Sydney and 105 for New Zealand (Sydney Morning Herald, 4 May 1888, p. 4).
threatened invasion at Port Darwin has excited, if not alarmed the Australian people (Sydney Morning Herald, 4 May 1888, p. 4).

Phil May’s cartoon, ‘Law Versus Despotism. Lo Pak, The Bone Of Contention’ tells the story of the subsequent appeal to the NSW Supreme Court by one of the Afghan’s passengers, Lo Pak who had previously been resident in the colony. Lo Pak applied to the Court on the grounds that he was illegally detained on the Afghan, and had been granted an exemption certificate allowing him to reside in the colony. The Sydney Morning Herald posed the question which the Supreme Court now had to deal with;

Are the Chinese to be dealt with on the basis of the restrictive laws which the Australian Legislatures have passed, or are they to be dealt with outside the law and excluded all together (Sydney Morning Herald, 4 May 1888, p. 4).

May has represented the case as a struggle between the NSW government of Henry Parkes, and the justices of the NSW Supreme Court, like dogs fighting over a bone, with Lo Pak, a native of China, stretched between them. That May portrays Justices Windeyer and Foster and the Supreme Court as a kennel, or ‘in the dog house’ suggests some degree of unpopularity with their decision.

The NSW government had just passed the Chinese Restriction Amendment Bill (The Proceedings in Parliament, The Anti Chinese Bill Passed, The Argus 18 May 1888) which did not go as far as expelling all Chinese from the colony as had been proposed by the Leader of the NSW Opposition. However unlike the US government, which had just secured a treaty with China for the “single purpose of hermetically sealing the territory of the American Union from Chinese laborers” (The Age, 19 May 1888, p. 8), the Australian colonies had to temper their anti-Chinese restrictions to secure British assent. There were two issues at stake in the Chinese Restriction Amendment Bill; political comprise to satisfy imperial interests; and political reform which mirrored the racial ideas of the new world order. The Age editorial for that week in May posed a rhetorical question regarding Chinese freedom of movement with its comment;

Our little trouble with Chinamen makes it interesting to consider whether men of any nationality have an imprescriptible right to leave their own country and settle in another (19 May 1888, p. 8).

Delivering a conclusion which still resonates for some in Australia today, the 1888 editorial

56 Windeyer had been the subject of “brutal attacks” in the press (Sydney Morning Herald, 4 May 1888, p. 3).
offered its view of freedom of movement rights with its observation that “On the whole there cannot be a clearer right under the sun than the right of a people to determine their fellow-citizens” (The Age, 19 May 1888). Here was the nineteenth century tension writ large; despite international treaties which allowed freedom of movement, this right was granted or denied on terms determined by the nation state to which one migrated. Thus the imperial citizenship ideal was contested and subsequently eroded by new nation states’ demands for whiteness. The US demonstrated to the world at large, and to the people of China in particular, how readily the settler nation would control and shape its population. The US initially allowed and encouraged Chinese freedom of movement as a natural and inherent right in 1868 but by 1888 had reverted to a policy of Chinese prohibition and exclusion (The Age 19 May 1888).

In contrast, Judge William Windeyer of the NSW Supreme Court found that older legal traditions still prevailed and that Lo Pak’s detention on the Afghan was illegal, notwithstanding the argument that “the sovereign power of every State has the power deny to foreigners coming to it the right to deny entry to their territory” (Law Report, Sydney Morning Herald, 19 May 1888, p.10). Judge Windeyer found that;

…it would be an extraordinary thing to say that, whereas the mother country...recognized the right of these people to come to our shores, the Executive here should have the power to interfere with this allowance created by the British government and to step in and say ‘we will not allow it’ (Law Report, Sydney Morning Herald, 19 May 1888, p.10).

Windeyer argued that the Australian colonies were not an independent state and as “a dependency of the mother country” simply did not have the power to amend or change British law. Moreover he argued that Lo Pak was entitled to the protection of the Court stating;

To hold that a foreigner who comes here, and who is amendable to our laws, is at the same time not to have the protection of our laws appears to me to carry us back altogether to the days of barbarism... There is no ground for the argument that we should refuse the right of a writ of habeas corpus to aliens. It appears to me that this applicant, as every other foreigner, when once he has come with the jurisdiction of this Court, has the right to appeal to us for protection, and it appears to me that he is entitled to this rule because he is in unlawful custody (Law Report, Sydney Morning Herald, 19 May 1888, p.10).

A similar appeal in the Victorian Supreme Court also found that the government had acted illegally in refusing to allow the Afghan to dock in Melbourne. However in what Lake and
Reynolds describes as an “ironic twist” (2008, p. 41) the Privy Council in 1891 overturned the decision on appeal, finding that “an alien has no legal right enforceable by action to enter British territory” and the self-government of the colonies provided “all the prerogatives necessary for the protection of the people” (2008, p. 41).

The Afghan episode and the media and public hostility towards Chinese migration in Melbourne and Sydney led to a special Premier’s Conference on Chinese Immigration in Sydney 1888 which agreed that the colonies all adopt uniform immigration restrictions which prohibited Chinese from coming to Australia. However both Tasmania and Western Australia felt the eastern states “agitation… was somewhat premature and existing controls were adequate” (Price 1974, p. 191). The Conference highlighted both the differences and similarities between the colonies with the result that by the end of 1888, Price says Australia had “virtually uniform and almost prohibitive laws against Chinese migration in Queensland, Victoria, South Australia and the Northern Territory, an almost prohibitive law of another kind in New South Wales, and a milder law in Tasmania” (1974, 197). As well as these restrictions, the other key decision of the Conference was in relation to naturalisation and the agreement to ban Chinese residents becoming British citizens. Lake and Reynolds quote Victorian Premier Duncan Gillies’ observation that “naturalised British subjects are still Chinese and therefore are as objectionable as if they were to come from the centre of China” (2008, p. 43).
‘The Yellow Trash Question’ Asiatic Invader: “better you catchee ‘nother piece of box”
Livingston Hopkins (Hop), The Bulletin, 24 August 1895

The Problem of the Japanese Threat, 1895

The final cartoon image in this discussion of the development of Australia’s race restriction laws is American Livingston Hopkin’s57 ‘The Yellow Trash Question’ cartoon published in the Bulletin. The focus of the cartoon was the new concern regarding Japanese migration, not as many assume, with Chinese migration. Hopkin’s cartoon has a Japanese man attempting to scramble onto the island Australia, portrayed as a vulnerable and innocent boy floating in a vast lonely ocean. The Japanese man’s comment, “better you catchee ‘nother piece of box”

57 Bulletin owner William Traill went to the US in 1882 in search of a cartoonist. He returned with New York cartoonist Livingston Hopkins (Hop) who joined the Bulletin in 1883. Hopkins came to Australia with his family and worked at the Bulletin for 30 years producing more than 19,000 drawings (Rolfe 1979, p. 43-47).
reiterates the widespread assumption that people from China or Japan wanted to invade Australia. At the time this cartoon was published Chinese immigration was in decline, due to a combination of the effectiveness of the 1888 restrictions and general economic decline. However Murakami (2001) says that Japanese migration to Australia increased from 1892 in response to growing demand for indentured labourers from Queensland sugar plantations wanting to replace Melanesian indentured labourers\(^{58}\)(p. 47). As well as this work, the Japanese were employed as pearl divers in the Torres Strait.

Debate regarding Japanese migration was raised in the Queensland parliament and conservative Premier Thomas McIlwraith ran the argument that plantation owners benefited from Japanese migration through the provision of a ready supply of labour, as did white workers who would not work in the tropics. Migration was sanctioned when its purpose was to save white colonial workers from difficult labour conditions, however in the case of pearling the significant numbers of Japanese living on Thursday Island “had begun to alarm the Queensland Government” (Murakami 2001, p. 48). Imperial international relations again loomed large over colonial immigration restrictions. The newly signed Treaty of Commerce and Navigation between Britain and Japan gave unrestricted freedom of movement to the subjects of both empires.\(^{59}\) This coupled with Japan’s 1895 victorious peace treaty with China, meant that Japan and the treatment of her subjects could not be as easily dismissed as had been possible with China. Moving a motion to tax employers of coloured immigrants in 1895, Queensland Labour member William Browne while acknowledging the “far greater danger than the Chinese” which the Japanese posed, nonetheless argued that it would be unfair to tax the Japanese like the Chinese saying “it would be unwise to do that to a strong and friendly power like Japan” (Murakami 2001, p. 49). Despite these contradictory messages, Browne’s motion was rejected and the tax on Japanese migrants was passed.

Restrictions on Japanese migration were a key issue at the 1896 Intercolonial Conference

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\(^{58}\) Melanesian indentured labourers were only permitted to work in the sugar industry (Murakami 2001). Kellaway (1953) says that “the story of anti-Kanaka legislation in those early days is in fact the story of the triumph of the policies of the sugar planters” (p. 12). She argues that the Queensland sugar industry was owned and operated by “powerful interests” including CSR, shipping companies, the Bank of Australasia and prominent parliamentarians. Successful lobbying by these interests resulted in the 1892 legislation which allowed indentured “coloured labour” on sugar plantations (p. 12-13). At Federation a Sugar Bounty was paid to plantation owners for the loss of Melanesian labour as a way to coerce their support for national immigration restriction. Kellaway notes that by 1909 the bounty was worth £1,800,000 to the sugar industry (1953, p. 17).

\(^{59}\) British colonies were given a two year moratorium to determine whether or not they would be party to the treaty (Murakami 2001).
which Murakami says resolved to “regulate the influx of coloured immigrants, chiefly Japanese, for the continent as a whole by attaining inter-colonial cooperation” (2001, p. 50). Japanese government opposition to the NSW Coloured Race Restriction and Regulation Bill and South Australia’s Coloured Immigration Restriction Bill resulted in the British government advising the colonies that was it was “not prepared to accept colonial immigration restriction which blatantly impinged on the principle of equality of race throughout the British Empire” (Murakami 2001, p. 51). The British challenge and subsequent rejection of colour or race based legislation meant that the Australian colonies had to find an alternative policy mechanism for exclusion. When the colonial Premiers gathered in London for Queen Victoria’s silver jubilee in 1897, British government advice suggested the South African province of Natal’s use of a dictation test as a more appropriate and less discriminatory policy approach. Murakami (2001) says Western Australia was the first colony to pass immigration restriction legislation which incorporated the dictation test. The NSW government withdrew the Coloured Race Restriction and Regulation Bill replacing it with a dictation based immigration restriction bill. Murakami quotes Japanese Ambassador to Britain, Katô Takaaki’s response to the Japanese government regarding these policy changes:

The Coloured Race Restriction & Regulation Bill was withdrawn in New South Wales as the result of the request from the British Government on the ground of my demands... I believe that the Imperial Government will be content with the result, in which there is no indignity toward the Japanese as the last demand I made (2001, p. 58).

The Japanese were prepared to tolerate the use of the dictation test but they were not prepared to accept immigration restriction policies which discriminated against and dishonoured Japanese people on the basis of race by treating them as ‘Asians’ along with the Chinese (Murakami, 2001). Initial colonial proposals to use an English language dictation test were subsequently amended to a test in any European language due to the English language competency of the Japanese. During the 1901 Immigration Restriction Act debates, Deakin was clear in his objection to Japanese migration stating “I say that the Japanese require to be absolutely excluded... I contend that the Japanese require to be excluded because of their high abilities” (Murakami 2001, p. 48). Kane accepts Yarwood’s earlier argument that the prevention of Japanese immigration was a “principal target” in the development of the 1901

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60 In 1897 the Western Australian Government moved the Immigration Restriction Bill, which was based on the Natal Act.

Finally some mention of the background story on Hopkins’ choice of image for his cartoon is important for understanding the cartoonists’ assumptions about visualizing the new nation of Australia. Hopkins uses the image of a young boy to represent Australia, which came from his earlier ‘Little Boy at Manly’ cartoon which Rolfe describes as a “guiltless and somewhat gutless lad in Victorian dress” (1979, p. 47). ‘A little boy from Manly’ was the anonymous young donor who contributed twenty-five pounds to the 1885 Sydney Morning Herald fundraising campaign to support a NSW contingent to the Sudan (Rolfe 1979). For Hopkins the boy represented Australia, and with this image he represented,

…the well intentioned impetuosity of a young colony espousing a cause that was well able to take care of itself… ‘Little Boy at Manly’ got promoted to the position of office myth, which he seemed to grow into naturally and so filled a long-felt want (Mahood 1973, p. 182).

Hopkins explained how “Every nation has some mythical figure, usually of the gentler sex, to typify the national spirit” and how he had eschewed “the well-established allegorical tradition… of classical feminine figures” as unsuited to the “more rugged phases of national life” (Crawford 2013). Mahood says that other cartoonists also used the image of the ‘boy from Manly’ and over time the image came to “represent all Australia…comic, candid, innocent and naively cynical, he remained the standard figure for Australia until after World War I” (1973, p. 182).

By the end of the nineteenth century there were five, distinct patterns of racism evident in Australia; the dispossession and genocide of Indigenous people; the exploitation of indentured Chinese and Melanesians; the vilification and exclusion of Chinese people; the vilification and exclusion of Japanese people; and the vilification of Jewish people. The associated ideology and imagery of each strand worked in the collective consciousness to contribute to the development of Federation and White Australia. More than this though, these representations established enduring cultural, political and economic myths about Indigenous, Melanesian, Chinese, Japanese and Jewish people and secured the course for the nations’ racial politics into the twentieth and twenty-first centuries.

Federation named and problematised whiteness as the key policy issue of the new nation, and in this political moment assumptions about race, difference and otherness were branded
indelibly into the political consciousness of the imagined national community. Price says that the term ‘white’ was “not in general use as a racial term during the 1850s and 1860s” (1974, p. 250). However by the 1870s and 1880s more generalised terms such as ‘white’, ‘Caucasian’, and ‘yellow’ were being used. In the first printed use of the term, William Lane writing in the Boomerang in 1888, described Queensland miners evicting the Chinese from the goldfields as “determined and deliberate blows on behalf of White Australia” (Price 1974, p. 250).

Mill's (1997) work on the racial contract demonstrates how European imperialism and colonisation were based on white relations of domination which constructed race as a “structure of exclusion” (Paterman & Mills 2013, p. 2). Mills defines the racial contract as;

that set of formal or informal agreements or meta-agreements... between one subset of humans [white ones]... to characterise the remaining subset of humans as "nonwhite" and of a different and inferior moral status, subpersons, so that... the moral and political rules normally regulating the behavior of whites in their dealings with one another... apply only in a qualified form... (1997, p. 4).

The Australian settlement patterns of domination, evident initially in the exclusion and dispossession of Indigenous people, and later with the exclusion and vilification of other groups, were typical of this racial contract. Moreover this was not unusual. Pateman and Mills argue that the settlement contract was based on a racial contract which “was predicated on regarding people of colour... as less than equal, and so not worthy to included as free individuals in the (white) polity” (2013, p. 2). Pateman argues that race is “part of the structure of a modern state” and explains that “from the early modern period onward, ‘race’ became the vehicle through which certain groups of humans were deemed to be inferior, to be at the margins of humankind or even outside of humanity altogether” (2013b, p. 136).

Pateman notes how distinctions between black and white races, and the “political fiction of race” emerged during the eighteenth century with blackness “a mark of lesser humanity” (2013b, p. 138) and Europeans seeing themselves as white and superior. Markus notes that initially Europeans “were not really certain about the nature and causes of racial difference” (1994, p. 1) yet by Federation “there was a growing racial arrogance, a ready acceptance of discriminatory practices and an intolerance of diversity” (1994, p. 110). Pateman points to

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\footnote{Pateman (2007) notes that UNESCO rejected a biological basis for race in 1948.}
theorists of original contract, such as Kant, for the development of “modern ideas about racial and sexual differences and hierarchies” noting the paradox “that their theories were couched in the subversive language of universal freedom and equality” (2013b, p. 136).

It was Kant, Pateman says who argued that “white men were the only individuals who possess the capacities required to grasp the universal principles fundamental to civil society and thus the capacity to govern others” (2013b, p. 136). Pateman says that non-white races and women were viewed in similarly incapable of reason and self-government. The argument of Victorian member for Stawell John Woods against the Chinese Voters Bill provides an example of nineteenth century thinking about the Chinese capacity for engagement with democracy;

The Chinaman knows nothing about Caucasian civilisation or the laws of a country like this. In fact, a Chinaman is a mere dumb animal… and never could be anything else. It would be less objectionable to drive a flock of sheep to the poll than to allow Chinamen to vote. The sheep at all events would be harmless. To claim for the Chinamen the right to have a voice in the making of the law of this country was a monstrous absurdity…(Price 1974, p. 175).

By the late eighteenth century Pateman says “’races’ began to be seen as distinct human groupings, recognizable by such markers as skin colour, hair texture, skulls, facial features, and specific dispositions and attributes” (2013b, p. 138). However Mills and Pateman argue that “race is, so to speak, a virtually pure construct, with none but the most superficial biological stratum…” (2013, p. 5). Pateman argues that while blackness was a perceived mark of “lesser humanity… the belief in white superiority fostered a consciousness among other ’’races” that they were “nonwhite” (2013b, p. 138). Pateman explains that race restrictions, such as the prohibition of Chinese migration, which operated in the nineteenth and twentieth centuries, can be understood as “an outgrowth of the initial creation of a racial order of “whites” who rule over “blacks”” (2013b, p. 138).

Pateman says that the social ordering role of race “demanded a great deal of theoretical, social, political and cultural work, - and much violence” (2013b, p. 141). As this chapter has demonstrated in Australia, this work ranged across the production of cultural myths about contamination, disease and racial impurity, via propaganda cartoons, legal mechanisms which established and reinforced racial difference, and political ideologies which privileged and protected the status of white men and women. Problematising race in colonial Australia, and elsewhere, was possible because of assumptions and representations which relied upon of
discourses of purity and impurity. White racial superiority rested on myths of intelligence and purity, and assumptions that Indigenous, Chinese and Japanese people were intellectually inferior and impure. Social anthropologist Douglas (1966) says discourses of purity and impurity are old ideas that have played an important role in the creation of a “semblance of order” (p. 4).

Haley, Eshleman and Vijaya (2011) in their work on white privilege use social construction to argue that “race is not a fixed fact… but a lived experience perpetually changing…” (p. 62). In the following chapters it will become clear how as each new population group came to this country, the construction of race and the associated racial contract is renewed and played out with sure and certain predictability and repetition. The whiteness and Eurocentrism of the Australian settler contract continues to shadow and shape racist sociopolitical institutions. Political cartoons are one part of this process, promoting and challenging constructions of race and patterns of racial power in nineteenth, twentieth and twenty-first century Australia.

**Conclusion**

The story of nineteenth century immigration restriction illustrates the civic and state assumptions, attitudes and beliefs which shaped the project of establishing white hegemony in the settler colony. The laws which were put in place to restrict the entry, status and movement of Chinese, Melanesian and Japanese people were part of what Lake and Reynolds have called the “global colour bar” (2008). And while it might be possible to explain Australia’s racial policies as part of this larger order, the development and implementation of this regime which excluded the migration of whole races of people depended on locally based patterns of passionate racist rhetoric, cartoon propaganda and press opposition, much of it stemming from local press such as the Bulletin. Manning Clarke (1999) says the Bulletin boasted of its “role as the midwife of the national sentiment” (p. 136) and was active in the promotion of a Federated Australia, independent from what it called the “huge nigger Empire” (p. 132). These sentiments confirm Clarke’s argument that the Bulletin “entertained in its breast a pathological hatred for large sections of humanity… [and]… bespattered its columns week after week with malicious contempt on English, Chinese and Jews” (1999, p. 19). With such burning hatred, Clarke notes the irony of the Bulletin’s claims to “speak the language of and on behalf of Australians” (1999, p. 19).
Price (1974) says the Melbourne Age was a “staunch ally” (p. 187) of the Anti-Chinese League and the Australian Natives Association who both campaigned for restrictions against the Chinese and “to keep the Australian continent free for a pre-dominantly Anglo-Saxon race and society… able to conform to British-Australian ways” (Price 1974, p. 187). The Sydney Bulletin, the Queensland based labour press and the White Australia for which they so passionately advocated, performed a critical and effective role in mythologising race as a key marker of difference. Through their images they were able to mobilise and sustain a politically popular racial consciousness which neither courts nor the liberal press could counter.

Colonial politicians believed in the global mantra of whiteness and there was little local opposition to counter the new nation’s xenophobic thirst. This made the task of making policy to restrict the entry of unwanted population groups extraordinarily easy and in the process, established a formidable and intractable policy inheritance (Rose 1999). Sawer explains the pervasive effect of policy inheritance in terms of the more familiar notion of path dependency stating:

> Once such institutions had taken shape, ‘path dependence’ and the costs of changing direction ensured these ideas had long-term effects. They gave rise to longstanding patterns of social action reinforced by social understandings and expectations (2003, p. 31).

White identity and perceptions of racial difference were not settled; rather as Lake argues “the meaning of being a white man was never fixed. It was rather shaped and re-shaped in continuing interaction with a range of ‘others’” (2003, p. 351). It is clear through the early treatment of Indigenous Australians, through the 1840s anti-coolie campaign, the Melanesian restrictions in Queensland, the campaigns against the Chinese and those against the Japanese that these interactions simply churned and reinforced this “imagined community of whiteness” (Lake & Reynolds). Kellaway says that by the 1890s the push for White Australia was less about economic issues and had become subsumed by

> the mysteries and fanatical character of the growing nationalist sentiment… [and]… began to take the form of mystic pronouncements about the blood, the race, and the nation. The myth was ready to be launched (1953, p. 13).

Barton neatly captured how the myth was made into national policy stating that “We have decided to make a legislative declaration of our racial identity” (Barton cited in Lake 2003, p. 346). Dyrenfurth urges us to “take visual propaganda seriously” (2010, p. 117), and as he
demonstrates, the cultivation and power of Australia’s ideological white barrier rested on myths, symbols and images. The strength of the visual is in its flexibility and transferability, which in Australia’s case has been so readily used to cultivate discrimination and race hatred towards new population groups.

Jewish people had long been vilified by the British and in parts of Europe so it was not surprising that this race hatred was carried to the Australian colonies. The *Bulletin* and the *Worker* published anti-Semitic images which represented Jewish people stereotypically as money leaders, bankers or other financiers of evil, using ancient images and stereotypes from another continent. Dyrenfurth highlights Montagu Scott’s *Worker* cartoons as typical and argues that by the end of the nineteenth century, “anti-Semitic imagery was a worldwide phenomenon” (2010, p. 129). Quispel writing in the introduction to Van Arkel’s work on anti-Semitism says that “the history of anti-Semitism becomes the history of a “genealogy of stereotypes”” (2009, p. 14) which shift and change with changing contexts. Burgmann says Jews were regarded as “racially different” and with growing numbers migrating to Australia in the 1890s the labour press “echoed the anti-Semitism of the society at large” (1978, p. 28).

Colonial hostility to Jewish people was part of what Van Arkel calls the enduring pattern of “social distance, stigmatisation and terrorisation” (Quispel 2009, p. 14). Van Arkel argues that there are different patterns and features to racism, and that a feature of anti-Semitism, unlike the apartheid treatment of blacks in the US, was that it was not based on patterns of economic exploitation. Rather as Dyrenfurth argues, the racism and representations of Jewish people were economically based, but “as a simple, if unlikely explanation of capitalisms’ workings and crisis such as the 1893 Bank Crash” (2010, p. 129). Dyrenfurth suggests that the labour movement readily accepted popular conspiracies about Chinese, Japanese and Jewish people because they were “strongly conditioned by racism” (2010, p. 129). On one hand the Chinese and Japanese were regarded as threats to local jobs and wage levels, and on the other Jews were part of the global, “money power” capitalist conspiracy of banks and financiers working to reduce the wages and working conditions of all workers. The next chapter demonstrates while racism against Jews in the twentieth century reached its zenith with the horror of systematic Nazi genocide, the West, including Australia, was both hostile and discriminatory towards this vilified people.
Chapter 3  
Reffos and the good international citizen: Australian policy engagement with Jewish refugees and Displaced Persons 1941 - 1948

Australia entered the twentieth century as a new nation with established and strongly bipartisan approaches to race and immigration. Tavan says that White Australia represented how Australians perceived themselves, on one hand tied by “the crimson thread of kinship” to Britain, and on the other breeding a “higher form of human civilisation” (2005, p. 12) in the new nation. The project of White Australia Tavan says was “not just a racist, fear inspired strategy to exclude non-Europeans. It was a positive, morally imbued affirmation of the type of society Australians wanted to build” (2005, p. 19). Tavan quotes Chris Watson, himself a migrant from Chile, and first leader of the Labor Party and the first Labor Prime Minister speaking on the importance of immigration restriction for the new nation;

…we reserve the right to say who shall be citizens. We ask that they be on a moral and physical level with ourselves, and that they shall be such as we can fraternise with and welcome as brother citizens of what we hope will someday be a great nation (2005, p. 19).

This chapter examines political cartoons from pre- and post-World War 2 in order to examine Australian political engagement with, and treatment of Jewish refugees and Displaced Persons. Australia’s pre- and post-war engagement with Jewish refugees, and Calwell’s post war refugee re-settlement program were both highly contentious and controversial. The development of the 1951 UN Convention on the Status of Refugees is also examined and provides important insights into both the conceptualisation of ‘refugees,’ and the highly charged Cold War political environment shaping the development of the Convention. While a great deal has been written and mythologised about Australia’s treatment of refugees over this period, Neumann’s (2004) observation that “…Australians ought to be less proud of their country’s record than has generally been the case” (2004, p. 11) alerts us to the need to explore the humanitarian myths associated with these policy regimes. Moreover the policy mix of sympathy, racism and punishment, and the public attitudes developed and fostered towards refugees over this period may begin to suggest something about the durability of Australia’s approach towards asylum seeker and refugee policy.
**The Australian Racial State, 1901**

Crock says that “preoccupation with immigration and the composition of society is almost as old as free (white) settlement in this country” (1998 p. 2). Indeed the Australian state can be understood as a racial state in part due to the legislative preoccupation of first colonial, and then Commonwealth governments with policies of racial exclusion. Beyond this legal frame, racial governmentality is widely practiced as “a more or less taken-for-granted marking of social arrangements and possibilities, an assumed givenness and inevitability in the ascription of superiority and inferiority, sameness and difference, civilisation and vulgar lack” (Goldberg 2004, p. 212).

Two trends were dominant in constituting the Australian racial state. The first was the treatment of Indigenous Australians. Fletcher says that the new 1900 Commonwealth Constitution had “written Aboriginal people out of recognition” (1999, p. 338). This meant that Indigenous Australians were not to be counted in the census and the new Commonwealth had no power to make laws for the “aboriginal race”. Despite these exclusions, Reynolds says “legislation did far more to place Indigenous Australians outside the circle of citizenship” (1999, p. 137). He notes that

…‘Aboriginal natives of Australia, Asia, Africa or the Islands of the Pacific’ were expressly excluded from naturalisation, citizenship, and the franchise, as well as from invalid and old-age pensions and the maternity allowance. Men ‘not substantially of European origin or descent' were exempted from military training (1999, p. 137).

Colonial governments rather than the Commonwealth had the “extraordinary powers” to “control all aspects of Indigenous life” (Reynolds 1999, p. 137). This was white Australia and racial nation building writ large; Indigenous people could not vote, had no freedom of movement, no freedom to marry; and no freedom to participate in the social, economic and political life of the new nation. The crude frontier dispossession of Indigenous people was now institutionalised through legislative dispossession and genocide. This policy treatment was possible because of assumptions regarding the “inherent racial, moral, and cultural inferiority” (Taven 2005, p. 12) of Indigenous people in Australia and elsewhere.

The second was the formalisation of the new nation’s racial approach to immigration. It is telling that the very first piece of legislation was the *Immigration Restriction Act 1901* which was a negotiated amalgam of colonial and international policies designed to confirm and
consolidate White Australia. The Act, Crock says was initially “discreet” in not “openly veto[ing] the admission of non-Europeans” (1998, p. 13). Rather the new legislation’s “prohibited migrants” were those who either failed the fifty word European language dictation test, or were paupers, idiots, insane persons, persons suffering from a loathsome or contagious disease, certain criminals or prostitutes or persons living on the prostitution of others (Crock 1998). Markus says that with Federation “racial consciousness…continued to develop, and the definition of acceptable genetic stock was further refined and narrowed” (1994, p. 127).

The quest for racial and cultural homogeneity incorporated then current scientific thinking that involved the adoption of more elaborate racial categories which Markus (1994) says focused on “mixed-blood” groups and low-status Europeans (p. 127). Markus attributes these developments to three factors:

…the growing sense of racial exclusiveness of populations that saw themselves as ‘Aryan’; …the desire of the state to extend control over the ‘half-caste’ …Aboriginal populations; and a reaction to the increasing flow of migrants from low-status areas in a period of significant unemployment (1994, p. 127).

Tavan argues that over time the White Australia policy was “refined and extended” to use the dictation test to prohibit groups of European migrants including people from Malta and Italy (2005, p. 27). US restrictions and quotas on Southern Europeans in the 1920s raised concern in Australia that Southern European migration would see a corresponding increase. Rutland (1985) says that in the 1920s the Australian government had rejected proposals for an intake of Jewish refugees from Eastern Europe and instead increased immigration restrictions with quotas and the requirement that immigrants either have a sponsor or forty pounds landing money. The introduction of quotas in the 1920s was designed to restrict Southern European migrants including Greeks, Albanians, Yugoslavs, Estonians, Poles, Bulgarians and Czechs (Markus, 1994, p. 129). A further restriction Rutland says was that non-British migrants had to pay their own fares. Population management by the state also included the census which Markus says by 1921 began asking people if they were “of European race or to indicate the non-European race to which they belonged” (1994, 128).

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62 Rutland says that at the time Polish Jews were viewed as “poor and uneducated”, likely to form “clusters in the poorer areas of cities and be exploited by more enterprising business Jews” and therefore considered unsuitable migrants (1985, p. 29).

63 Markus says that quotas could not be used against Italians because of British agreements with Italy (1994, p. 129).
The 1933 census questions sought to identify whether people were half-caste “Aboriginal, Chinese, Hindu, Negro, Afghan, etc” (1994, p. 128). Markus says the absence of an “acceptable racial taxonomy” saw the adoption in 1927 of the classifications ‘nationality’ or ‘race’ (1994, p. 128).

Tavan (2005) and Markus (1994) argue that the White Australia policy and its associated restriction mechanisms were “remarkably successful” (Tavan 2005, p. 26) in restricting entry in the first half of the twentieth century. As Markus notes, it also “encourage[ed] the extinction of non-European communities” (1994, p. 151). At Federation, Asians constituted 1.25 per cent of the total population. By 1947 the Asian population had dropped to 0.21 per cent. Moreover Tavan (2005) reports a pattern of decrease across the established Chinese, Japanese and Indian populations in Australia. However the decline in non-European population numbers and the apparent policy success, did not, Tavan says, “soften public opinion about the White Australia policy” (2005, p. 27). Tavan (2005) provides three reasons for the continued popularity of the immigration restriction policy; the continued prevalence of racially determinist thinking; a long period of political and economic instability; and a heightened sense of external threat.

The White Australia policy had successfully promoted perceptions of Australia’s racial and cultural homogeneity. Markus suggests that “Australians were a complacent, insular people, proud of their British heritage, disdainful of other cultures, rejoicing in their …egalitarianism of manners” (1994, p. 153). Along with this cohesion, Tavan says there were two other notable consequences of the White Australia regime which would become significant over time. The first was its effect on Australian foreign policy and the second the way it shaped immigration’s institutional bureaucracy.

White Australia was developed in a context of British imperialism, with Australia a distant Pacific outpost of the British empire. Australia’s distance from Britain, its fear and avoidance of near neighbours, and international geopolitical relations combined to fuel a sense of insecurity, vulnerability and anxiety. One of the five components of Kelly’s Australian Settlement thesis, which highlighted the centrality of White Australia to national development, was “imperial benevolence”, the reliance on a “great power for security and finance” (1994, p. 2). Kelly argues that this was one half of the Settlement solution to insecurity. The other was the development of a protection-driven “Fortress Australia”
The result was an “introspective, defensive, dependent” Australia (Kelly, 1994, p. 2). Tavan argues that Australian insecurity produced a tight and inseparable linkage between Australia’s foreign policy and immigration policy. The result was:

...a preoccupation with population building, ...a singularly suspicious attitude towards Asian countries. And it cultivated a reliance on immigration restrictions and control of national borders as crucial components of Australian defence strategy (Tavan 2005, p. 21).

Kelly argues that the Australian Settlement political consensus lasted until the neoliberal reforms of the 1980s. More recently Wesley (2011) has argued that “It is more likely than not that Australia’s old belief’s and formulae for dealing with the world will rapidly become obsolete” (2011, p. 20). The story which unfolds in this thesis regarding Australian refugee and asylum seeker politics demonstrates that despite Wesley’s urgings to change the way Australia engages internationally, and Kelly’s optimism that Australia has changed, Australia’s engagement with other nations and their people is still characterised by introspection and defensiveness. Moreover as becomes clear in relation to refugee and asylum seeker politics, keeping particular groups of people out of Australia in the twenty-first century now requires the combined resources of foreign, immigration and defence policy.

The second of Tavan’s observations regarding White Australia addresses what she calls “bureaucratisation” (2005, p. 22). Tavan says that “a hybrid of British traditions of public administration adapted to local conditions” along with the “social-liberal emphasis on nation-building” meant the state in Australia played a crucial role in the shape and administration of immigration policy (2005, p. 22-23). Tavan argues that for over a hundred years immigration policy regimes have justified decisions with appeals to “dominant racial ideologies and legal-bureaucratic conventions” (2005, p. 23). Moreover Tavan demonstrates how the Immigration Restriction Act was, from inception, both operationally and conceptually “flawed” because of its operational ambiguity, its reliance upon racial determinist theories, a “complex and confusing administrative structure” and because it relied upon “metaphor and euphemism” to interpret racial categories rather than “substantive, scientific fact” (2005, p. 24).

Tavan’s analysis highlights the role of the state and of the public service in developing and managing immigration policy, and the “broad discretionary powers of Australian officials” (2005, p. 23) which resulted in an “inherently inequitable” system (2005, p. 25). Tavan argues
that this policy regime operated out of the competing demands of public opinion and policy delivery, which were negotiated through “a culture of bureaucratic control and secrecy” (2005, p. 25). This was possible Tavan says because the policy “proclaimed …racial exclusivity while continually adapting to practical circumstances” (2005, p. 25). As becomes clear in later chapters, this incremental approach to policy reform, coupled with a culture of bureaucratised control and secrecy have continued to characterize the design and implementation of immigration policy well after White Australia’s official demise in 1974.

**Immigration Policy and the Jewish Problem, 1919 - 1939**

The immigration restrictions imposed in the 1920s allowed small numbers of migrants into Australia. The largest group of 23,000 came from Italy, escaping fascism. Others seeking refuge from European politics included 2000 Polish Jews and 2000 White Russians (Neumann 2004). The Depression saw immigration virtually cease, because only those with five hundred pounds or dependent relatives already living in Australia were accepted (Rutland 1985). This policy shift was largely in response to the large numbers of Australians out of work during the 1930s. Markus observes that during the inter-war years there was little real opportunity or impetus for change in the racial ideology of the nation. There was an emerging reconsideration of policy in relation to Indigenous people, because “public opinion was no longer willing to tolerate open killing by police,” but no corresponding reform was evident in immigration policy (1994, p. 154). Markus notes how the very insularity of Australian political, cultural and intellectual life prevented any momentum for change. He argues

> Australian life took place behind barriers which excluded members of some national groups… on the sole criterion of race; restricted the free flow of ideas by strict censorship of political and literary works; and sheltered industries through a system of tariffs… (1994, p. 153).

But this insularity could not ignore global events and Hitler’s rise to power, which Rutland suggests “created a refugee problem which was exacerbated through the 1930s” (1985, p. 29). Germany’s introduction of the Nuremberg Laws65 saw pressure on the Australian

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64 Neumann says that permanent departures exceeded permanent arrivals by 20,000 (2004, p. 16).

65 Hitler introduced the Nuremberg Laws ‘For the protection of German blood and honour’ in 1935. They prohibited marriage between Jews and persons of ‘German or related blood’, and Jews lost their German status to become guests of the Reich (Blakeney 1985, p. 87). The laws were part of the project to “eliminate Jews from all aspects of the German economy” (Blakeney 1985, p. 87). By 1935 Blakeney says 75,000 Jewish businesses had been liquidated and 20,000 – 24,000 Jewish people per year emigrated from Germany between 1935 – 1937.
government from members of the Australian Jewish community to this increased persecution of German Jews. The Australian Jewish community used humanitarian and national interest arguments to campaign for Australia’s acceptance of Jewish refugees. The Depression years had resulted in a reduced birth rate and migration subsequently became a key strategic argument for population increase. Blakeney quotes Governor-General Lord Gowrie’s 1938 warning that

Australia must ‘populate or perish’. Australians are living in a fools paradise; the overpopulated nations of the world are turning their greedy and hungry eyes on us… on this great undeveloped country (1985, p. 46).

Blakeney notes that despite the push for migration it was not until after the fall of Singapore in 1942 that Australia accepted the strategic role of population growth in the defense of the nation, and immigration’s central role in that growth. Until that time, he says, “eugenic composition” was the key policy problem shaping immigration policy (1985, p. 47).

By 1936 the Lyons government had agreed to amend immigration policy allowing small numbers of Jewish and non-Jewish migrants to come to Australia if they could meet strict new immigration criteria (Rutland 1985). In the case of Jewish migrants these included having a Jewish organisation sponsor and clearly identified employment in Australia. This latter provision was designed to counter the long held fears that immigrants would take Australian jobs. Rutland says the new requirements “necessitated joint communal cooperation” 66 (1985, p. 31) and for the first time in Australian immigration practice, community based organisations such as the Australian Jewish Welfare Society were legally able to sponsor and support new migrants. These new arrangements meant that Australia accepted 1,800 Jewish refugees per year between 1936 -1938 (Rutland 1985, p. 34). However despite these numbers Markus quotes a 1938 government memorandum which explains why Jewish migration was restricted to Australia. It read that Jews were

…highly intelligent as a class and usually make a success at whatever occupation or business they follow; but in view of their religious views and strict rules as regards marriage, they remain a separate race and this failure to become properly assimilated in the country of adoption appears to create difficulties in any country where they form a considerable proportion of the population (1983, p. 20).

As Markus argues, policy statements like this suggest that Jews were regarded as a separate

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66 Rutland says that the Australian Jewish Welfare Society was established in 1937 to manage the “applications for admission…reception and integration of refugees” (1985, p. 31).
race by the Australian government: the immigration classification used at the time divided Europeans into Ayrans, non-Ayran Christians and Jews (1983, p. 20). As well as the use of these racial classifications, Rutland’s location of the cabinet decision\(^{67}\) declaring the policy prescription of keeping the Australian population ninety-eight per cent Anglo-Saxon and Anglo-Celtic establishes beyond doubt the official racial prejudice operating within the Australia state (2003, p. 69). The issue is how this prejudice shaped and impacted on decisions regarding the number of Jewish refugees Australia would accept. In a pattern which occurs with disheartening regularity both before this episode and many times since, the established racial imperatives of the Australian nation would always take precedence over the needs of European Jews, regardless of the extent of persecution.

The circumstances of European Jews were increasingly precarious by 1938 and there was world-wide pressure on western governments to support the relocation of European Jewish refugees. Neumann says that Australia’s Department of the Interior defined refugees as “persons of German nationality, or former Austrian or German nationality, or Czechoslovakian or former Czechoslovakian nationality, against whom there is political discrimination” (2004, p. 24). Roosevelt responded to this pressure with the inter-government conference at Evian, France to develop mechanisms to “facilitate the flow of refugees from Nazism” \(^{68}\) (Rutland 1985, p. 32). It was clear Rutland says that the “countries of the free world were willing to sympathise with the plight of refugees…but they were not prepared to change their immigration laws” (1985, p. 33). Australia’s position at the conference was to offer a further increase in its refugee quota. The Bulletin opposed any increase in numbers, and “warned of the danger of refugee Jews importing Communism into Australia” (Rutland, 1985, p. 33). Editorials in both the Sydney Morning Herald\(^{69}\) and Daily Telegraph argued that Australia should take more refugees.\(^{70}\) The Argus reported the government’s decision positively stating

_There is a strong feeling among Ministers that Australia, in common with other democratic countries should play a part in providing a refuge for Jews who are_  

\(^{67}\) Rutland’s reference for this figure came from ‘Admission of Jews: Cabinet Decisions re, 1933-1936’ correspondence files, Department of the Interior.  

\(^{68}\) In an unusually independent foreign policy decision Australia agreed to participate in the 1938 conference before the UK has set any policy guidelines (Rutland 1985, p. 32). Blakeney quotes Australia’s first Minister to the United States, Richard Casey’s 1940 speech in which he says “British foreign policy may accordingly be regarded in a very real sense as Australian foreign policy” (1985, p. 48).  

\(^{69}\) Hugh Alexander McClure Smith was the editor of the Fairfax owned SMH (Blakeney 1985, p. 206).  

\(^{70}\) According to Rutland, Australia’s agreement to increase refugee intake “was among the most generous per head of population of the thirty-nations at the Evian conference” (1985, p. 33).
being driven out of Europe. It is recognised, moreover, that many of the refugees are professional men, scientists, and scholars, who would be of great value to Australia. Many others are skilled artisans and craftsmen, who would be of value to growing Australian secondary industries (The Argus, 23 Nov 1938 p. 1).

However not all were so positive. Blakeney notes the virulent anti-Semitism advocated by the Australia First movement whose pro-Nazi journal, the Publicist, opposed any Jewish migration. The movement accused Jews of; “...fostering vice rackets such as pornography, gambling, birth-control, money-lending and astrology, all with a view to weakening Gentile society” (Blakeney 1985, p. 61). As Blakeney observed these were the “various grounds of opposition to Asian immigration” heard in the nineteenth century which were being “reiterated, with appropriate changes, to opponents of Jewish refugee immigration in the 1930s” (1985, p. 26).

As circumstances for Jewish people in Europe worsened, after the annexation of Austria and the Kristallnacht pogrom, Markus says an “emigration wave spread across Europe” (1983, p. 18). Political pressure increased in far away Australia to accept more refugees as Australia House in London was receiving more than 300 applications a week in May 1938. By August the same year this figure had grown to 500 applications a week (Markus, 1983). Blakeney reports that E. J. Holloway the Labor Member for Melbourne Ports, in the “the first debate of any consequence in the Federal Parliament on the refugee question” urged Australia to accept “some small quota of Jewish refugees of a type suitable for absorption in this country” (1985, p. 143). Neumann observes that “for the first time the Australian public was involved in a vigorous debate about the merits of resettling refugees” (2004, p. 23).

The politics of Australian immigration changed irrevocably with Nazi eugenics and Minister for the Interior John McEwen subsequently announced in December 1938 that Australia would accept 15,000 Jewish refugees over three years as part of its “humanitarian and sympathetic” response (Blakeney 1985, p. 159). The expanded program still had to meet all the earlier immigration requirements for a sponsor, landing savings and employment.

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71 Markus notes that the Lyons government amended the application form requiring applications to identify whether or not they were Jewish. His also reports that many applicants ignored this request “but the deception was nullified it was believed by the scrutiny of photographs and information supplied, especially Christian names” (1983, p. 19).

72 John Curtin complained that refugee immigration was “becoming something of flood and that is not desirable” (Blakeney 1985, p. 185). The figure of 15,000 was used rather than 5,000 per year because “for public relations purposes... it looked more substantial” (Markus 1983, p. 21).
opportunities. However Neumann argues that limiting the intake to 15,000 was an
acknowledgement of the “electorate's latent xenophobia as much as a reflection of the
government’s own anti-alienism” (2004, p. 25). International press reports were very
positive about Australia’s contribution however the declaration of war in September the
following year meant that few of the 15,000 actually reached Australia. The Jewish
community in Australia stressed that it did not support a program of mass immigration or
segregation, arguing that new migrants be “Australianised as soon and as completely as
possible” (Blakeney 1985, p. 152). Blakeney’s appraisal of Australia’s intake of approximately
7,000 refugees between 1933 and 1941\textsuperscript{73} is that

\begin{quote}
...the refugee crisis of the 1930s presented Australia with an opportunity to meet
its immigration requirements at the same time as presenting a humanitarian and
enlightened example to the bigotry of the Old World. However Australian
politicians and administrators were unable to free themselves from the racist
shackles of their cultural heritage... Whilst not directly encouraging the solution
of the Jewish problem which the Nazis ultimately adopted, the Australian
authorities in refusing to admit Jewish refugees other than on a case-by-case
basis... effectively left the Jews of Europe to whatever fate the Nazis had in store
for them (1985, p. 161).
\end{quote}

\textsuperscript{73} Sea lanes were closed in 1941 to passenger traffic, preventing the transport of more Jewish refugees to
Australia.
The Cartoonists and the Jewish Problem

John Frith’s ‘Postscript to Exodus’ cartoon published in the Bulletin expresses something of the resentment and hostility felt by many Australians towards Jewish refugees during the war years, some of it clearly racist in character. Frith has portrayed Jewish refugees as very happy wealthy men heading ‘to the Mulga’, a colloquial reference to the Australian bush. The suggestion in the cartoon is that Jewish refugees are exploiting the housing market, and having made money in Sydney are heading to rural NSW as landlords and property owners. Frith uses the typical anti-Semitic stereotypes of money making Jews and implies that Jewish refugees are simply making money out of Australia’s generosity towards them. The stereotype failed to acknowledge that the financial circumstances of Jewish refugees were finely balanced, as Australian immigration rules required that Jews coming to Australia had significant cash reserves in order to gain entry, while Jewish refugees escaping Germany were not allowed to leave with capital, tools of trade, furs or jewellery. The German requirement,
Blakeney says, meant that often refugees invested in clothing and furniture, giving the outward appearance of prosperity. Moreover anti-Semitism in Australia prevented refugee lawyers, musicians, doctors, engineers, dentists and others from being employed in their professions. Refugees were vilified for taking the jobs of Australians, especially where Australian men had gone to war, or for being “exploiting landlords” or “sleek over-fed individuals” (Blakeney 1985, 197). As well as accepting civilian British internees who were treated as prisoners of war, such as those who travelled to Australia aboard the *Dunera*74, Australia legislated to intern civilian enemy aliens75 many of whom included newly arrived Jewish refugees.

By 1943 the despair and frustration of Jewish people and concerned others in Australia at the lack of Allied government action regarding the plight of Jews in Nazi occupied Europe resulted in Australian Jewish communities urging the Australian government to “use its best endeavours to help in the solution of the problems of the victims of Fascism” and “to adopt a policy of immigration into this country that shall be as liberal and wide-visioned as the needs of this country demand” (Blakeney 1985, p. 288). The Australian government response was to allow approximately 400 Jewish children into Australia and consider, but reject in 1944, a proposal for a Jewish settlement in the Kimberley region of Western Australia. This proposal was doomed from the start given the fears held by both government and the Australian Jewish community regarding the creation of alien enclaves (Markus 1985). The Jewish community in Australia had been very wary of large numbers of Jewish refugees coming to Australia because of the potential opposition and vilification which both they, and the refugees, would experience.

74 The *Dunera* arrived in Australia from Britain in 1940 carrying 2,542 Germans and Austrians. The passengers were interned at the purpose built camp in Hay (Blakeney 1985, p. 172).

75 Detention camps were purpose built at Tatura (Vic), Loveday (SA), Holdsworthy and Hay (NSW).
Post War Immigration, 1945

Arthur Calwell was Australia’s first immigration minister and in his publication, How Many Australians Tomorrow? outlined the new justification for the country’s immigration policy saying “it my duty to awaken my fellow Australians to the perils that will always hang over them unless this land is peopled to its carrying capacity” (1945, p. 1). Unk White’s^76 Bulletin cartoon, ‘Christians Awake’ portrays a Jewish looking immigration minister Calwell playing a Jew’s harp, standing under a lamp post, outside ‘reffo mansions’, serenading Jewish refugees (or prostituting himself to the cause of Jewish refugees). White’s drawing of Calwell with a stereotypically large nose shows how Calwell was typically represented in the press as a friend of the Jews both because of his program of support for Jewish refugees, and for advocating a non-British immigration program.

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^76 New Zealand born Unk White came to Australia in 1922 and produced cartoons for the Bulletin, Melbourne Punch and Smith’s Weekly. He was an official war artist during World War 2. Unk was his penname.
Post war immigration had begun with a scheme initially proposed by the Executive Council of Australian Jewry and implemented by Calwell as a 'humanitarian' migration program. The 1945 program allowed for the admission of 2,000 concentration camp survivors, with family in Australia and who could act as sponsors (Rutland, 2003). Markus acknowledged Calwell’s important role with the observation that “little would have been achieved, however, without Calwell for there were few supporters of Jewish migration in government” (1983, p. 25).^{77}

Unk White’s reference to the awakening theme was also the message of the 1930s anti-Semitic “lunatic fringe” (Blakeney 1985, p. 65), and particular organisations like the Guild of Watchmen whose ‘Gentiles Awake’ pamphlets gave the impression that “thousands of Jewish refugees have arrived in Australia…and very soon they will hold all the key positions” (Blakeney 1985, p. 65). As the scale of the Jewish refugee population became known, Australia’s constant fear of being invaded and overtaken resurfaced with concerns that Australia would now be swamped by migrants and refugees.

White’s reference to ‘reffo mansions’ is significant for two reasons. The first was that in 1942 the Department of Post-War Reconstruction was formed and immigration became a bipartisan and central policy lever in re-aligning Australia’s economic, demographic and political future. Ben Chifley, as Minister for Post-War Reconstruction, established an inter-departmental committee to review immigration. The committee abandoned the pre-war commitment to 15,000 Jewish refugees arguing that Jewish immigrants were “less desirable than any other European immigrants” (Rutland 2003, p. 70). The reasons for the finding were based on limited and arguably racist judgments based on the high rates of property ownership of Jewish people who had settled in the suburbs of Kings Cross and Bondi in Sydney, and Carlton in Melbourne. Along with this underlying hostility, the other relevant point about the ‘reffo mansions’ was the housing shortages experienced in the period immediately after the war and into the 1950s.

Calwell believed that Australia’s small, 1945 population of 7,000,000 was a problem arguing “We need more people to defend our continent and to develop its resources” (1945, p. 1).

^{77} Markus lists those supporters “in order of reliability” as Calwell, Evatt, Curtin and Chifley (1983, p. 25).
Calwell’s analysis of the problem highlighted shrinking family size\textsuperscript{78}, declining fertility and an ageing population. He also raised the question of how many people Australia could feed and clothe given the dry continent and climate. His carefully worded policy solution was, as we know, to come from immigration and he acknowledged that “Immigration from Central, Eastern and Southern Europe is a controversial question” (1945, p 7). Rutland says after the British, the white order of preference for migrants was: “Americans, Scandinavians (Norwegians, Swedes and Danes), the Dutch, Belgians, the Swiss, Yugoslavs, Greeks and Albanians” (2003, p. 69). Calwell was well aware of the prejudice against non-British people, particularly refugees, and how this more than anything would undermine his ‘populate or perish’ campaign. He quotes a Post-War reconstruction pamphlet to raise the issue of Australian attitudes;

> We have to make up our minds now. If we want thousands of migrants we will have to liberalise our whole outlook towards non-British people and be prepared to help them become assimilated to our way of life. We cannot pick and choose as we have done in the past, but we must be prepared instead to take more of the limited number of people offering. Are we prepared to face such a change of attitude? (1945 p. 10)

Then Opposition leader Robert Menzies demonstrated bipartisanship with his support for Calwell’s push for the acceptance of non-British migration stating

> We must be prepared to adopt an adventurous policy of immigration. We must be prepared to take risks with some of our standards of perfection… Let us bring to this country, not a few handpicked people who we think, are of our own kind. Whether they come from Europe, Great Britain or the United States, let us welcome all who have the vigour and enterprise to come here (Neuman 2004, p. 28).

Menzies’ understanding that non-British migration was adventurous risk taking suggests that Australia’s acceptance of non-British people was a utilitarian option pursued for the greater good of the nation. For Menzies the requirements of vigour and enterprise suggests that health and fitness along with a capacity for business and investment were his priorities in new migrants.

\textsuperscript{78} His data showed that families had an average of six children in 1875, four in 1905, three in 1925, two point five in 1930 and two point two in 1939. As well Calwell used data on the declining birth rate indicating a 1860 rate of 42.6 per thousand, in 1900 a rate of 27.3, and a rate of 19 by 1940 (1945).
"The Commonwealth Statistician’s review supports the impression that permanent migration are unfavorable. In August, a year after the end of the war with Japan, Australia received 1941 immigrants, but permanent departures totaled 2606”

‘The Pied Harper’

Norman Hetherington (Heth), *The Bulletin*, 4 December 1946
Hostility Towards Refugees

Rutland says that Norman Hetherington’s 1946 *Bulletin* cartoon, ‘The Pied Harper’ was typical of widespread “anti-Jewish refugee hysteria” (2003, p. 71) in the parliament, the press, in political cartoons and in the Australian community generally. Hetherington’s cartoon has Immigration Minister Arthur Calwell calling Jewish refugees to Australia. Hetherington also has Calwell playing a Jew’s harp. The refugees are characterised, Rutland says, as the “ratlike stereotypical Jew — fat, bearded, hooked nose and foreign - as the 'imports', whilst the local people, the white Australians, were being forced out as 'exports'” (2003, p. 77). Chifley’s 1942 inter-departmental committee overturned pre-war immigration policy direction in favour of immigration based on ‘white aliens’ who would be “regarded as an asset and not a person admitted on sufferance” (Rutland, 2003, p. 69). Humanitarian objectives were shed and replaced with an instrumental immigration culture which required white healthy bodies, of good character, able to work in the newly planned nation building construction projects. Hetherington’s image of the movement of people as commodities was indeed a reflection of the new immigration policy, however he has mainly Jewish men coming into Australia, portrayed as less able to perform the heroic work of nation building and more likely to undertake some devious activity.

There is no empathy in Hetherington’s cartoon for the genocide and persecution so recently experienced by Jews as the Nazi state implemented its ‘Final Solution’. Hetherington’s Jews are not victims entitled to our sympathy. Rather sympathy is reserved for white readers who lose their families, and the upright men (one of whom is a digger) and women leaving Australian shores. Blakeney (1985) says that despite the extensive coverage which the Nazi atrocities received in Australia, this did not translate into sympathy for refugees. Citing a 1947 Gallup Poll, Blakeney says that 58 per cent of those surveyed were against offering refuge to Jews (1985, p. 292). Those most likely to oppose the provision of support for Jewish refugees were semi-skilled and unskilled workers concerned that Jews would compete for their jobs.

Hetherington’s cartoon mobilises hostility and opposition towards Jewish people, Calwell and the Labor government who are upsetting Australia’s racial balance. Moreover it reflects the

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79 Hetherington had just commenced work at the *Bulletin* in 1946. As well cartoons, Hetherington is famous for the creation of the ABC’s *Mr. Squiggle* puppet show.
issue raised in the *Bulletin* regarding whether Jews were “displaced or displacing” populations (Blakeney 1985, p. 293). The cartoon is both anti-Semitic and “anti-refo” (Rutland, 2003, p.71). The cartoon’s hostility towards Jews was the nation’s hostility towards Jews and this sentiment was crafted into the post-war immigration program.

Unk White’s cartoon, ‘The Ever-Obliging Sentry’ portrays Calwell as a nonchalant sentry, readily allowing Jewish refugees into the country. As the nation’s immigration gatekeeper, White has made Calwell look and sound Jewish with Jew’s harp and hook nose, and the clipped speech of an Eastern European. By describing Calwell as ‘ever obliging’ White implies that Calwell is both a friend of the Jews, and that he is giving Jewish refugees preferential treatment. This was a widely shared view.

The cartoon was a response to the arrival of the *Hwa Lein* in Darwin, which had sailed from Shanghai, where the combined efforts of the American Joint Distribution Committee and the
European Hebrew Immigrant Aid Society had “the prescience to charter ships for the refugees, in anticipation of finding countries willing to take them” (Blakeney 1985, p. 293). Australia had agreed to accept 2,000 Jews from Shanghai80 with the first ships arriving in September 1946. However the arrival of the Hwa Lein received a great deal of negative press with Smith’s Weekly advising Calwell “humanity should begin at home” (Blakeney 1985, p. 294). The Jews on board the vessel were variously reported to be very wealthy, “with gold bars and diamonds” (Blakeney 1985, p. 294). This was a consistent mythic theme which was later applied to Indo-Chinese and Middle Eastern refugees. Blakeney says “the prospect of a horde of refugees in Shanghai about to descend upon Australia probably conjured the same sort of fears of Asiatics which generated the White Australia policy” (1985, p. 294). Former NSW Premier, and subsequent federal member Jack Lang complained about the

…ease with which a particular section of people is gaining entrance to Australia… former German and Austrian residents are coming to Australia in hundreds… they are wealthy people…. They have no trouble gaining shipping accommodation… Homes are available for them as soon as they leave ships in Australia (Blakeney 1985, p. 295).

80 Approximately 25,000 Jews were given refuge in Shanghai between the 1930s and the 1940s.
Norman Hetherington’s 1947 ‘Numbers, 47 (33 in Original)’ Bulletin cartoon, uses the biblical
story of Moses leading the children of Israel out of Egypt into the land of Canaan. The biblical reference for the cartoon is Numbers 33 and Hetherington has amended this to the cartoon’s year of publication, 1947. Hetherington has drawn Calwell as Moses, the saviour of the Jewish people, leading them to Australia with “accommodation guaranteed.” Hetherington’s use of the biblical quote “And ye shall dispossess all the inhabitants of the land, and dwell therein; for I have given you the land to possess it” provides a clear direction regarding the meaning of the cartoon; that in bringing vast and endless numbers of Jewish refugees to Australia, Calwell would displace white Australians. Hetherington suggests that Calwell’s policy leadership on immigration means he is trampling on the wishes of the Australian people because of some divine or higher directive. Blakeney reports that Calwell’s critics referred to him as the “Minister for Reffos” (1985, p. 296). In addition to the hostility directed towards Jewish refugees because they represented a threat to jobs and housing, Hetherington introduces a new cause for hostility with his reference to “diggers need not apply.” Here he suggests that the Australian government was providing preferential treatment towards Jewish refugees rather than resettling Australian servicemen.

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81 The land of Canaan includes modern-day Israel, Palestinian territories, Lebanon, and the western parts of Jordan and Syria.
THE RETURN OF THE NATIVE.

'Return of the native'
Ted Scorfield, Bulletin, 5 February 1947
Ted Scorfield’s82 ‘Return of the native’ cartoon published in the Bulletin in 1947 highlights the perception in Australia that Jewish refugees were given preferential treatment in accessing transport back to Australia after the war. Scorfield’s cartoon has an Australia digger being refused a landing permit at Australia House in London where post-war immigration processing had been established “to avoid unnecessary delay” (Rutland, 2003, p. 70). Landing fees had also been significantly reduced to encourage migration. The solution Scorfield proposes for his digger is to have a plastic surgeon increase the size of his nose, making him look Jewish. With a stereotypically sized Jewish nose, Scorfield’s digger is readily able to obtain a landing permit and so can sail home to Australia. Scorfield’s narrative concludes with the digger being enthusiastically welcomed by Calwell who might be regarded having a stereotypically ‘Jewish’ nose.

Blakeney reports that many ex-servicemen’s associations and patriotic groups including the RSL and the League of Rights, objected to the migration of Jewish refugees because of the perception that refugees were given special treatment and “precedence over Australian servicemen, their brides and finances, in obtaining passages from Europe” (1985, p. 293).

This representation flies in the face of evidence that Australian prejudice was actually used to systematically exclude potential Jewish migrants with a range of inventive and discriminatory administrative requirements. These included the use of transport quotas so that no more than twenty-five per cent of total plane or ship passengers could be Jewish, with a total annual migration limit of 3,000 Jewish survivors. Despite public perceptions Jewish refugees were not given shipping priority and had to travel on non-British ships. Rutland says that “British ships were reserved for returning Australians, the wives, families and fiancés of ex-servicemen, and for British migrants” (2003, p. 77). The Australian government did extend the landing permits for Jewish refugees to get to Australia from one to two years.

The political cartoons of Norman Hetherington, Ted Scorfield and Cecil White were powerful mid-twentieth century vehicles for anti-Semitic hostility. Working for the Bulletin, Hetherington, Scorfield and White continued the magazine’s cartooning tradition established by Phil May and Luther Bradley in the nineteenth century. The Bulletin’s practice of producing

82 English Scorfield worked at the Bulletin for three and a half decades from 1925 until 1960. Rolfe quotes his then editor, John Webb who said of Scorfield that he was “more humorous, more humane and more tolerant than Lindsay or Low” (Rolfe 1979, p. 270).
racial propaganda flourished as each new group of migrants came to Australia. It did not seem to matter whether the migrants were Chinese, Japanese, Italians, Eastern Europeans or Jews. Moreover the circumstances of Jewish survivors and other displaced Europeans, demonstrated that what had befallen people prior to coming to Australia still made them a threat to the imaginary of jobs, houses, religious practices, marriage partners and way of life. As Rutland found in her research into the hostility towards Jewish refugees, both “religious and racial prejudice” explained Australian attitudes (2003, p. 69). What continued to matter in Australian immigration was constant: they were not white and they were not British.

By early 1947 Calwell had announced the end of support for Jewish refugees stating “the government has gone as far as it can reasonably be expected to go for the present in granting landing permits to people of these classes on purely humanitarian grounds” (Blakeney 1985, p. 305). Neumann suggests that while support for Jewish refugees was withdrawn due to political “backlash” (2004, p. 29) support for European refugees was made possible because of Chifley’s push to recruit migrants from European refugee camps with the assistance of the International Refugee Organization. The war displaced some twelve million people who in the aftermath of the war become known as Displaced Persons. Kunz says people became displaced “as prisoners of war taken by Hitler’s army, as forced labourers and deportees freed by the armies of the Western Allies, as soldiers in military units withdrawing westwards, or as civilian evacuees fleeing west from the oncoming Russian Army” (1988, p. xvi).

The International Refugee Organization was established by the allies to house, feed, repatriate and resettle Displaced Persons in 1946. Realising that Australia’s 70,000 immigrants per year population policy could not be realised by British immigrants, Curtin and Chifley strategically opted instead to accept 12,000 Displaced Persons per year over three years. A key sweetener for this arrangement was that the International Refugee Organization provided transport. This policy represented a major shift away from Calwell’s

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83 Initial support for Displaced Persons was provided by allies through the newly established United Nations Relief and Rehabilitation Administration (UNRRA). Calwell had initially rejected a proposal from the United Nations Relief and Rehabilitation Administration in 1947 to accept 30,000 refugees. When UNRRA ceased operating, the US initiated International Refugee Organization was established and Australia became a signatory in 1947. Kunz says that membership did not entail an obligation to accept refugees. Between 1947 and 1951 almost two million refugees were cared for by the International Refugee Organization (Kunz 1988). Neumann (2005) says that the International Refugee Organization was primarily responsible for resettling refugees who did not want to be repatriated.
earlier one to ten non-British ratio, but as Kunz notes, Calwell now had access to “a very large number of high standard potential immigrants whom Calwell could recruit using almost any selection criteria he wished” (1988, p. 18).84

84 Neumann says that the criteria for selection was strict: “Australia did not accept single men or married couples with children over the age of 45, or single women or childless married couples over the age of 40” (2004, p. 33). Families with more than two children under 14 were not accepted as were people with even minor health issues. People with a disability were rejected outright.

85 With thanks to Lindsay Foyle for identifying the cartoonist (Personal communication, 18 Sept 2013).
Countering Anti-Semitic Hostility

Against the general public prejudice and hostility against Jewish refugees and Displaced Persons, it is important to also recognise that there was support for refugees from a wide range of sources. John Frith’s86 ‘Welcome Stranger’ cartoon in the *Sydney Morning Herald* was a rare and unusually positive cartoon response to post war migration. That it was published in the *Sydney Morning Herald* provides part of the explanation because the paper was generally more liberal in its attitudes towards immigrants at this time. The editorial published on the day the cartoon was published offered both support for and criticism of the Government’s immigration policy, noting the apparent exclusion of British ex-servicemen:

Much ill-founded criticism has been directed against the Commonwealth Governments attempts to secure migrants but one valid objection to its policy has been raised on behalf of those who rank at the very top of the list of desirable citizens whom Australia would wish to attract (Editorial *Sydney Morning Herald*, 26 July 1947).

The lead article accompanying Frith’s cartoon was a piece by a Sydney University academic Caroline Kelly, who argued that Australia’s immigration program lacked “realism and sincerity”. She urged Australians to acknowledge that they or their ancestors had once been migrants and while it was the job of the government to supply a labour force for the nation, it was the job of individual Australians to welcome migrants (Kelly, *Sydney Morning Herald* 26 July 1947). This new welcoming attitude had become more widespread by 1948, Blakeney says, because “popular acceptance of the necessity for a policy of large-scale immigration to promote the economic development of Australia caused a decline in the virulence of anti-alien sentiment” (1985, p. 311).

Neumann (2004) argues that Australia’s acceptance of large numbers of Europe’s Displaced Persons was driven by the need to grow Australia’s workforce rather than by humanitarian considerations. Calwell’s policy position was highlighted in the *Sun* newspaper with claims that “Selection will not be made on humanitarian grounds but on suitability” (‘Labour needed on State Projects’ *The Sun* 26 July 1947).

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86 Englishman John Frith was the first daily cartoonist for the *Sydney Morning Herald*, and he worked there 1944 – 1950.
Refugees: Factory Fodder and Indentured Labour

Mick Armstrong’s cartoon, ‘Land of the Fee’ published in the Argus in 1948 highlights the contractual employment arrangements required of Displaced Persons who came to Australia. Kunz (1988) says that between 1947 and 1954 over 180,000 Displaced Persons were settled in Australia as part of the project of national growth designed to build both defence capacity and self-sufficiency. But as Kunz argues this was a policy project with many unknowns, and it was the “‘displaced persons’ unenviable lot to be the subjects on whom the social and political feasibility of the Government’s intention to maintain large-scale non-British European migration could be tested” (1988, p. xviii).

87 Mick Armstrong worked for the Argus from 1936 until 1957. 
The management of Displaced Persons in Australia was run along military lines with ruthless precision. Kunz (1988) says their Australian destination was determined by the availability of camp accommodation and the labour demands of the state. Accommodation was provided in former army camps, renamed as Migrant Hostels which were spread around the country at Bonegilla (Vic), Woodside (SA), Greta (NSW) and Northam (WA). Over a four week period immigrants received clothes, health checks, training and an “orientation” to Australian life. As a condition of their passage to Australia, Displaced Persons were contracted to the Department of Immigration for two years, to work in industries and occupations considered essential for Australia’s post-war development (Kunz 1988). It is this ‘vocational conscription’ which is the subject of Armstrong’s cartoon. Criticism of the scheme from the International Refugee Organisation argued that Australia “was less interested in helping the unfortunate than in finding healthy and industrious “factory fodder” for its population and development programs” (Price cited in Gibney 2004, p. 177).

Employment contracts for Displaced Persons were managed by the Commonwealth Employment Service, and the Department of Immigration determined that all men were ‘labourers’ and women were ‘domestics’. This gendered designation rarely bore any resemblance to the professions, skills and qualifications which Displaced Persons had previously held. Women were sent to work as domestics or nurses in either institutions or private homes, while men were involved in labouring work in the agriculture, construction, mining and logging industries or building railways, roads, dams or bridges. Departmental policy sought to ensure that Displaced Persons did not take accommodation or employment from Australians and that they were paid award wages (Kunz 1988, p. 142). Kunz argues these arrangements were a “political tool, designed to prevent the growth of unfavourable attitudes towards the immigrants, and thus ensure a green light for further mass intakes” (1988, p. 143).

Armstrong’s “scathing cartoon” (Kunz 1988, p. 148) demonstrates that he is no supporter of the contractual arrangements, particularly as they applied to women. The cartoon is not unusual in its criticism of government policy but it is unusual for its support of refugees. It is not clear if Armstrong was as critical of the contractual arrangements for men, but given the

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88 Kunz quotes from a Displaced Persons’ letter in which the letter writer says they were taught “English, history, geography and the constitution of Australia” (1988, p. 141).
89 Kunz says that this information was rarely collected from Displaced Persons and “if noted at all, was listed in a desultory fashion” (1988, p. 142).
highly gendered nature of Australian society in the 1940s, and the fact that Australian women had to relinquish their employment when the war ended, it is likely that he is opposed to the contractual requirements for women as much as the type of domestic work required.

Armstrong’s image of a woman qualified in culture and science specialisations, on her knees, performing domestic duties as the price of freedom in Australia is a savage indictment of Calwell’s policy. Armstrong’s cartoon questions the price the Australian nation requires refugees to pay for their rescue from war ravaged Europe and concluded that it was unfair for the Displaced Person. Displaced Persons were required to be indentured for two years, and as Armstrong’s cartoon shows, the work allocated was often oppressive and humiliating. Kunz refers to the “deep involvement” of the government in the Displaced Persons Scheme which meant the state was instrumental in the “recruitment, selection, reception, accommodation, job placement, job supervision and assimilation campaigns” (1988, p. 258). For Displaced Persons this meant that the state was all powerful and all controlling. Moreover, the threat of deportation was used to establish and maintain discipline. McMaster suggests that for many Displaced Persons they had simply “exchanged one form of forced labour for another” (2001, p. 45). There is bitter irony in Armstrong’s cartoon with his observation that Displaced Persons received Arty Calwell’s ‘Diploma of Democracy’. Calwell had claimed of the Displaced Persons Scheme, “these people were brought to this country at no expense to themselves and are being given the privilege of living in one of the best democracies in the world” (cited in Kunz 1988, p. 147).

Kunz argues that the contractual obligations required of Displaced Persons were part of Calwell’s strategic and systematic campaign to manage the acceptance and integration of non-British migrants into Australian society. Caldwell’s Immigration Department employed all the available tools and resources of the media 90 to run pro-migration publicity campaigns highlighting the contributions of Displaced Persons. Kunz says that the campaigns were designed to allay fears that Displaced Persons were taking jobs or lowering standards. Rather this image making presented “intelligent, accommodating people… seen as cheerfully accepting the worst jobs, arriving in endless ships loads to man public utilities, break labour bottlenecks, and generally help the war-tired economy” (Kunz 1988, p. 144). Then on weekends Displaced Persons were encouraged to dress in national costumes and “perform

90 The Immigration Advisory Council was established for this purpose.
dances as an expression of their gratitude for being permitted to settle in Australia” (Kunz 1988, p. 144). Unlike more recent Immigration Ministers, Calwell’s orchestration was an investment in acceptance. However they have all shared the trope that living in Australia is a privilege.

This idea of the ‘privilege’ of living in Australia has been applied very readily to refugees both now and then without too much effort being made to understand the experiences and circumstances from which refugees have come, or by implication what they have lost. Rather as Tavan says “wartime refugees were not individuals caught up in peculiar historical circumstances, but ‘aliens’ who threatened the fundamental homogeneity, sovereignty, and internal stability of the Australian nation” (2005, p. 61). The idea of viewing the host nation as a privileged space reinforced the symbolic power of the democratic nation to which only white citizens belong, and required from refugees an enduring indebtedness towards the host nation and its citizens. This meant that in post war Australia, refugees could never be fully part of the privileged space.

Calwell’s Displaced Person’s Scheme introduced two enduring features to Australia’s policy treatment of refugees; privileging the Australian nation and way of life, particularly democracy; and the adoption of a punitive regime for the management and incorporation of refugees into Australian society. Kunz reminds us that

Refugees are created not by poverty but by the divisive events of politics and war… refugees usually flee initially to a country of first refuge which, after the exhilaration of reaching safety evaporates, becomes for them a geographical, temporal and spiritual ‘midway to nowhere’. From here they are nudged to move further on, by the exhaustion of charity funds, by restrictions on their employment, by uncongenial life in refugee camps, and frequently by fear of renewed political or military threats to their freedom. Unable to resist these pressures they finally accept offers of permanent settlement elsewhere (1988, p. 23).
Norman Hetherington’s ‘Not Co-operating’ cartoon was published in the Bulletin in 1949 and has Calwell as a highly decorated master of ceremonies encouraging migrants to come to the ‘Land of Opportunity’. Eddie Ward, Minister for Labour is seen putting up a ‘House Full’ sign because of his concerns about post war housing shortages. The image highlights the success of the migration program which was largely attributed to Calwell (Tavan 2005). According to Harold Holt, Calwell’s success was explained by the fact that “He had been a big Australian putting the national interest above any temporary political advantage” (cited in Kunz 1988, p. 255). Bipartisan political support for immigration was a key ingredient in the migration program’s success. Kunz argues that the acceptance of Displaced Persons into Australia was transformative because of the sheer scale of this mass migration project noting that “within three years of initiating the scheme one in every 45 persons in Australia was a DP” (1988, p. 254). Neuman says that over 180,000 refugees were admitted to Australia between 1948 and 1953 under the auspices of the International Refugee Organization. He notes that “never
again would Australia admit such a large number of refugees per year, and in proportion to its overall migrant intake, as in the late 1940s and early 1950s” (2004, p. 34).

However how that success is measured is contentious. Kunz’s study of the Displaced Person’s Scheme suggests “dark shadows...shadows of unnecessary suffering created by ignorance and narrow mindedness; shadows cast by greed and hypocrisy” (1988, p. 256). The Displaced Persons Scheme certainly furthered the national project of population growth, and for the first time encouraged large-scale non-British migration. The introduction of the 1949 War-time Refugees Removal Act gave Calwell the power to deport immigrants, particularly non-Europeans, considered not to be war-time refugees. Tavan suggests the Act re-affirmed the government’s “desire to maintain the racial and cultural homogeny of Australian society” (2005, p. 60). Calwell himself put it thus in parliament “You can have a white Australia or a black Australia, but a mongrel Australia is impossible” (cited in Tavan 2005, p. 60-61). Popular perceptions confirmed Calwell’s racism, with the results of the 1948 Gallup poll finding that fifty-seven per cent of respondents supported White Australia (Tavan 2005).

**Refugee protection after 1945**

While race was still the dominant feature of Australian immigration policy, race politics changed irrevocably as a result of the Holocaust, political upheaval post World War 2 and the push for independence from many former colonies. Markus explains that race politics involve “difference defined in terms of 'racial' or ethnic' attributes...”, race becoming a “‘first order’ issue,” and racial issues presented “…as a critical component of the challenges facing the country, integral to its future development and national identity” (2001, p. xiv). The post war establishment of the United Nations in 1945 and the publication of the Declaration of Human Rights in 1948 identified racial equality as a key objective of this new world order. Explaining the relationship between the Declaration and the Holocaust, Morsink says “After the Holocaust, Article 1 of the Declaration sounds like a trumpet call of victory after battle; it announces that "[a]ll human beings are born free and equal in dignity and rights" (1993 p. 357-405).

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91 The High Court had overturned a small number of deportation cases, establishing the right of non-Europeans to live in Australia permanently (Tavan 2005).
Markus says that during 1949 and 1950 UNESCO sought to challenge racism and produced research arguing that “there is no proof that the groups of mankind differ in their innate mental characteristics” (1994, p. 156). French UN delegate and author of early drafts of the Declaration, Cassin said he wanted to emphasize "the fundamental principle of the unity of the human race..." because Hitler had "started by asserting the inequality of men before attacking their liberties" (cited in Morsink 1993, p. 357-405). Tavan says race was increasingly being redefined through these processes as a “social rather than biological construct” (2005, p. 77).

This conceptual shift fuelled the White Australia reform push with many church and industrial organisations as well as politicians advocating for change. Markus notes however that “Australian governments were remarkably slow to abandon racist practices” (Markus 1994, 156). Prejudices remained firm with Liberal Immigration Minister Holt stating in 1952 “that Australia must be kept preponderantly British in its institutions and the composition of its people” (cited in Markus 1994, p. 158). An implicit racial hierarchy continued to shape immigration with access encouraged from British, Irish and North European people. However entry by European Jews, Middle Eastern and other European people was limited, and Asian and African people prohibited (Marcus 1994). As well as persistent discrimination in terms of immigration access, racial discrimination continued when migrants applied for Australian citizenship with British people gaining citizenship after twelve months residency, Europeans after five years and non-Europeans after fifteen years residency.

**1951 Refugee Convention**

The development of the 1951 Refugee Convention consolidated and formalised many of the practices used for the repatriation and resettlement of refugees in operation since the end of the war. Neumann says that previous arrangements for “alleviating the plight of refugees” established initially after World War I\(^2\) and again as part of the Evian Conference\(^3\) had “proved ineffective” (2004, p. 80). Loescher et al (2012) concur and note that at the time Western governments avoided a universal definition of ‘refugee’ and instead gave limited protection to nominated national groups. The first body established in the 1940s for the

\(^2\)Loescher et al (2012) explain that at the urging of the Red Cross, the League of Nations established the Office of High Commissioner for Refugees in 1921.

\(^3\)This was the Intergovernmental Committee on Refugees established in 1938.
management of people displaced during World War 2 was the Supreme Headquarters Allied Expeditionary Force (SHAEF) who Loescher et al say was concerned that displaced people represented “a risk to the social and political order in Europe” (2012, p. 10). SHAEF focused on returning people to their place of origin, however for many displaced people, return meant persecution from newly established Communist regimes. SHAEF was replaced by the United Nations Relief and Rehabilitation Agency (UNRRA), but it was powerless to resettle refugees, and forcibly repatriated “large numbers of people in Europe” (Loescher et al 2012, p.11). Loescher et al suggest that by 1946 the allies, particularly the US accepted that the displaced persons’ fears of communist persecution were genuine and consequently mass repatriations ceased.

More importantly Loescher et al argue that the issue of forced repatriations “touched on the fundamental ideological conflicts dividing East and West” (2012, p. 11). Rights, regarding the choice of where to live, freedom from oppression and freedom of expression were at the centre of the conflict, with Communist countries advocating repatriation of their citizens, and the west presuming that displaced persons have a choice about returning to their homeland. Loescher et al say that repatriation was subsequently “discredited” as a refugee solution”4 (2012, p. 11). By the late 1940s the new emphasis in refugee thinking incorporated an individualised human rights focus articulated in the Declaration of Human Rights as “everyone has the right to seek and enjoy in other countries asylum from persecution” (cited in Loescher et al 2012, p. 12). However Loescher et al note that this right was never included into future agreements.

The next stage in the global refugee policy story again saw US-dominated organisational arrangements shaping the establishment of the International Refugee Organisation in 1947. Under the UN auspice, the International Refugee Organization was tasked with resettling World War 2 refugees, and with spreading responsibility for refugee resettlement and costs across the breadth of the allies’ international community. Loescher et al suggest that while the International Refugee Organization was dispersing existing refugees, at the same time the Cold War and political and military events in India, China, Korea and Palestine “had created refugees by the millions” (2012, p. 13). Neumann (2004) says that the International Refugee Organization was always planned as a temporary agency, and this combined with cost

4 Loescher et al (2012) claim that the US provided more than 70 per cent of the funding for UNRRA, and once the repatriation push was discredited, terminated the agency.
blowouts and concerns about how many refugees host countries would accept, led to the creation of a new, UN refugee agency. Loescher et al argue that by 1950, the US who had been the “leading financial and political supporter of international cooperation on refugees”, shifted policy direction to focus on its Cold War foreign policy agenda (2012, p. 13).

Significant debate followed regarding the type and nature of international refugee support to be provided by newly formed, and chronically under resourced United Nations Office of the High Commissioner for Refugees (UNHCR). The result, Loescher et al conclude, was that the UNHCR “was created to serve very specific functions within narrow parameters and with almost no institutional or material autonomy” (2012, p. 14). Its two functions were “to provide international protection for refugees and to find durable solutions to their plight through repatriation, local integration, or the resettlement of refugees to a third country” (Loescher et al 2012, p. 14). The development of the UNHCR was a product of Western strategic interests, which would not threaten national sovereignty or create new financial burdens. Coinciding with the development of the UNHCR was the UN’s Refugee Convention. Glynn’s (2011) account of the Convention’s development notes the twentieth century shift in the conceptualisation of a ‘refugee’ as requiring “‘a well-founded fear’ of persecution” (p. 135).

For Loescher et al this narrow, Western definition was based on Cold War interpretations of persecution, which “stigmatized the fledgling Communist regimes as persecutors” (Loescher et al 2012, p. 15). Jupp (2003) argues that the Convention was originally designed to support refugees escaping fascist regimes in Europe. Later refugees escaping communist regimes were included in the Convention’s provisions, because Jupp says, “communist regimes were seen as self-evidently likely to persecute anyone who had escaped from their clutches. It was unacceptable to return asylum seekers to that fate” (p. BB4). Cold War politics shaped the Convention even though the US was not a Convention signatory. Interestingly the US accepted the largest number of refugees escaping communist regimes.

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95 Gerrit Jan van Heuven Goedhart was the first High Commissioner (1951 – 56) (Loescher et al 2012).
96 Loescher et al note that the original financial restrictions placed on the UNHCR mean that even today it is still dependent on donor countries for funds. This also means that donor countries can “control the scope of the UNHCR’s work” (2012, p. 15).
97 Dastyari says that “the term ‘asylum seeker’ does not exist under the convention but is a politically expedient label given to people who are seeking recognition of their refugee status” (2013).
98 The US first provided financial support to the UNHCR in 1955 and didn’t sign the Convention until the late 1960s (Neumann 2004).
Jupp suggests that Australia also accepted Cold War refugees.

Glynn says the first “realistic” draft of the Convention occurred in 1949 in response to the United Nations Economic and Social Council’s 1948 request to the UN Secretary-General to investigate existing protections for refugees and the stateless, and to make recommendations for how the UN might best provide protection. According to Glynn there were two key requirements for the Convention draft. The first was that it have universal application, and secondly that it be applicable to all categories of refugees. However there were debates regarding the definitions of who was to be considered under the terms of the Convention. The UK was pushing for a broad and inclusive agenda, and the US and France were pushing for a narrow one. Glynn says the US position was driven by a concern to put parameters and limits on refugee definitions, so as to avoid the requirement to “undertake obligations towards future refugees, the number and origin of which would be unknown” (2011, p. 138).

In the end, the narrow US agenda was successful and those accepted as refugees were those termed refugees before the Second World War, victims of the Nazis and of the Falangist regime in Spain, as well as ‘those persons whose persecution or fear of persecution is due to events in Europe after the outbreak of the Second World War and before July 1950 (Glynn 2011, p. 137).

The Convention accepted earlier definitions of a refugee as a “migrant unable to obtain protection or representation from his or her own country” (Glynn, 2011, p. 141) and Sweden’s push to accord refugee status to members of a particular social group facing persecution was included. Neumann (2004) says that Australia raised four issues in its objections to the Convention draft regarding the definition of refugees, the provision not to discriminate against refugees, the absence of penalties for unlawfully entering a country of first asylum, and finally the provision not to deport refugees. In a noteworthy observation, Neumann says Australia delivered these objections with “particular vehemence” (2004, p. 81). It was with extraordinary foresight that Tasman Heyes, Departmental Secretary for Immigration, wrote of his objection to the unlawful arrival of asylum seekers provision in the Convention. He considered that while the provisions of the Convention applied in Europe “where there are frontiers across which a refugee may escape” this was an entirely different matter for “Australia’s immigration policy if the Atlantic and Pacific Oceans were to be

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99 An Ad Hoc Committee of the United Nations Economic and Social Council was appointed in 1949 with membership from the Soviet Union, Poland, Republic of China, Belgium, Brazil, Canada, Denmark, France, Israel, Turkey, the UK, the US and Venezuela. The Soviet Union and Poland withdrew shortly after establishment because of their opposition to the membership of the Republic of China (Glynn, 2011).
ranked as frontiers across which asylum might be sought” (cited in Neumann, 2004, p. 83). As Neumann sagely observes, “the prospect of asylum seekers approaching by sea seemed to be have been on Heyes’ mind” (2004, p. 82).

As Neumann argues the Convention also challenged Australia’s refugee policy on a number of grounds. Australia was selective about which Displaced Persons were accepted, it forced refugees into indentured labour for two years, and it deported refugees. So the principles of non-discrimination and universality contained in the Convention were fundamentally at odds with the racially informed immigration and refugee policy of 1950s Australia. Australia’s objections were essentially about the power to control immigration policy, and ultimately the deeper and enduring issue of who decides who comes to this country and what this society should look like. Neumann found that Australia and the US were so concerned about the Convention’s impact on their immigration policies that they established the Intergovernmental Committee for European Migration as an alternative to the UNHCR. Australia he says “During the 1950s and 1960s, tended to admit refugees through the Intergovernmental Committee rather than through the UNHCR” (2004, p. 84).

Article 1 of the 1951 Convention made clear that a refugee was:

…as a result of events occurring before 1 January 1951 and owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable, or owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it (Article 1, UN Refugee Convention, cited in Glynn 2011, p. 141).

Glynn and others note that the 1951 Convention provided legal certainty for many displaced people after World War Two, but foreclosed on future refugees by “shutting the door to future unwanted guests” (2011, p. 141). For Glynn the Convention empowered western governments “to attain a sense of control over newcomers to their lands” and transferred power back to states after the post war “ interstate co-ordination” (2011, p. 141). The High Commissioner for Refugees had a much wider definition of refugees than the later Convention. Glynn says this caused confusion because the UNHCR definition covered, in addition to the Convention terms, “any person who… has or had well-founded fear of

100 Loescher et al (2012) note the US established its own refugee office, the US Escapee Program that was closely linked to its foreign policy.
persecution by reason of his race, religion, nationality, or political opinion” (2011, p. 142). However as Loescher et al note “people fleeing from international or civil conflicts, economic hardship, famines or natural disasters were excluded from the UNHCR’s protection” (2012, p. 19). Loescher et al (2012) and Crock (1998) argue that despite the shortcomings of the Convention, it achieved an important and enduring outcome which went on to become the cornerstone of international refugee law. This is the right of non-refoulement which is the right not to be returned to a country where refugees risk persecution.

**Conclusion**

By 1965 the UNHCR had established a colloquium to review the Convention’s refugee definitions. Glynn notes that the adoption of a new Protocol was considered less time consuming and laborious than a complete overhaul of the Convention. However the price of this expediency was that issues such as the more substantive “right to asylum” were not on the agenda. The 1967 Protocol\(^\text{101}\) specifically expanded refugee definitions beyond the 1 January 1951 dateline, and broadened the reach of geographic provisions.

Australia was slow to ratify these agreements, becoming, as Neumann says, a “reluctant party” to the Refugee Convention in 1954 and leaving the Protocol until 1973 before it was signed (Neumann 2004, p. 87). Neumann argues that Australian responses to refugees over the period 1930 to 1970 were largely driven by national self-interest, where refugees represented an opportunity to populate the nation. Moreover Neumann states that

…the evocation of golden age when Australians welcomed those fleeing persecution and their government played a key role in alleviating the plight of refugees worldwide, is based on a selective, somewhat inaccurate reading of the past (2012, p. 107).

The cartoons of this period reflect the mixed feelings in Australia regarding the acceptance, treatment and attitudes towards refugees. Here were groups of people who had been witness to the Holocaust, whose lives, losses and experiences gave us a terrible new language of persecution. Their incorporation into white Australia was a carefully managed process of policy manipulation, ever sensitive to racial ideology, which established that the price of resettlement for refugees would be punitive. The refugee cartoons of the 1940s capture the tensions and debate about Australian immigration policy and populating the nation.

\(^{101}\) Glynn says that “numerous countries that had never signed the 1951 Refugee Convention, such as the US, signed the Protocol” (2011, p. 143).
Hetherington and White represent the anti-Semitic, race based opposition to non-British people, while Armstrong and Frith represent an anti-oppressive, humanitarian position. Both positions were evident in the Australian government policy regimes developed in response to the particular international geopolitics of World War Two and its aftermath. Those tensions continue to shape Australian policy responses to the next group of persecuted people; Indochinese refugees.
Chapter 4  
Becoming the unwelcome country: Cold War politics, White Australia’s demise and Indo-Chinese boat arrivals
1975 - 1979

Domestically the 1970s was a decade of great change in Australian race politics in part because the first Federal Labour government in twenty-three years was elected on a mandate of change and reform which continued the push for Indigenous equality and introduced self-determination for Indigenous people. The White Australia policy was finally abandoned and Race Discrimination legislation, informed by new international law, was introduced. Against this background, this chapter examines political cartoons of Australian policy engagement with the Indo-Chinese refugees and asylum seekers who first came to Australia in 1975. Initially the Whitlam government, and then the Fraser government developed policy responses to the Indo-Chinese refugees in the 1970s.

The Indo-Chinese Refugee Problem

The arrival of Indo-Chinese refugees in the 1970s, after Australia had finally ratified the UN 1967 Protocol relating to the Status of Refugees, meant that for the first time, international law required Australia to develop an affirmative refugee policy. Vietnamese refugees and asylum seekers began arriving in Australia in 1975. Viviani says that their arrival and settlement was “always highly contested in Australian politics” (1996, p. 6). Neumann’s (2004) criticism of Australia’s poor record with regard to the humanitarian treatment of refugees is further substantiated and confirmed by Viviani’s research into Australia’s treatment of Indo-Chinese refugees. Viviani’s conclusion states

The story of Australia’s policy towards the entry of Indo-Chinese has elements of both pride and shame, of fair treatment alongside bias and arbitrary dealing with the lives of families and individuals, of bureaucratic ineptitude and probity and of ministerial stupidity and inspiration. Overall ministers and senior officials have not served the Australian people as well as they should have… (1996, p. 6).

Viviani’s (1984) contextualisation of twentieth century Vietnam paints a complex story of French imperialism, Catholic faith, communist revolutionaries, an ethnic Chinese subpopulation, Vietnamese nationalism and American Cold War intervention. The result was

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103 The Protocol removed the geographic and temporal limitations of the 1951 Convention relating to the Status of Refugees. This meant that the Convention terms now applied to the circumstances of all refugees not just events in Europe prior to 1951 (UNHCR).
a country divided by the unrest and factions of class, religion, ethnic and political divisions leading eventually to civil war. American and Australian allied military intervention in 1965 transformed Vietnam’s civil war into a “war of foreign intervention” (Viviani 1994, p. 11). This “dirty and unwinnable war” saw the US withdraw troops in 1975 after 10 years of military intervention and concede victory to the communist north (Calwell cited in Cameron 1980, p. 220). Communist victory in Vietnam was the initial impetus for the large scale exodus of many vulnerable groups from Vietnam. However like firecrackers going off, war and invasion across Indo-China escalated rapidly resulting in an unprecedented movement of people within and beyond Indo-China. Loescher (2001) says millions of Indo-Chinese people were uprooted from their homes and fled to cities and refugee camps so that “by war’s end the majority of the rural population…had moved into cities for safety” (2001, p. 188).


Osborne provides a good overview of the immediate responses to this extraordinary movement of refugees from countries in South-east Asia. Access to Thailand was relatively straightforward for refugees from Laos and Kampuchea. Initially the acceptance of refugees from Kampuchea was complicated by the Sino-Soviet dispute, but initially the Thai

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104 Both Osborne (1980) and Viviani (1984) suggest it is possible that 50 per cent of boat people perished at sea. Osborne says “at the very least… a figure of 28,000 persons – or 10 per cent of refugees” drowned or were killed in pirate attacks (1980, p. 37).
government offered temporary asylum. However as large numbers of refugees continued to flee the Khmer Rouge, Thailand eventually closed its border with Kampuchea. Battersby reports that “an experience repeated in many refugee emergencies across the Third World” involved refugees being “met by at gunpoint by Thai guards and forced to return…or face being shot” (2008, p. 17). Refugees from Laos “were culturally little different from the Thai inhabitants” (Osborne 1980, p. 47) and they were generally accepted. The Malaysian government refused permanent settlement to Indo-Chinese refugees and at one point in 1978 advised that “refugees would be shot if they ignored warnings to go away” (Osborne 1980, p. 49). The advice was later denied but Malaysia’s policy position was that it would turn refugee boats away. The government of Singapore refused temporary asylum and settlement. It turned boats away after allowing boats to refuel and replenish water supplies. Indonesia initially provided temporary asylum but as the numbers of refugees grew in 1979, it also advised that boats could not land.

After the 1979 Geneva Conference on Indo-China Refugees and the development of the first Comprehensive Plan of Action, Indonesia agreed to accept refugees who were subsequently isolated on remote island camps. The Philippines isolated refugees without accepting them as settlers. The government of China accepted ethnic Chinese refugees from Vietnam (who were both Vietnamese and Kampuchean). Finally Osborne says that “in terms of humanitarian action…Hong Kong holds a high place” (1980, p. 51) because it did not turn away a single refugee from Indo-China. The explanation for this lies, I think, in two factors. In the 1970s Hong Kong was still a British colony and influenced by British refugee policy. In the 1950s Hong Kong had also accepted large numbers of refugees from the communist regime in China (Loescher 2001).

What’s clear in the ASEAN governments’ responses to Indo-Chinese refugees is that these countries were generally prepared to accept small numbers of refugees, but each country had its own tipping point in terms of the number of refugees it was prepared to accept. After this point was reached countries either closed their borders or found ways to isolate refugees ensuring that resettlement was neither legally or politically possible. No Asian country was a signatory to the 1951 Convention or the 1967 Protocol and therefore had any obligation to “provide asylum, protection or local settlement to refugees” (Loescher 2001, p. 191).

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105 This advice came from Deputy Prime Minister Dr. Mahathir bin Mohamed in June 1979 (Osborne 1980).
Local politics rather than international obligation in these first asylum countries determined
how each would respond to Indo-Chinese refugees. Initially they were supportive but by
1977 Viviani says the “practice of pushing boats out to sea was already well established”
(1984, p. 45). How are we to understand Australia’s response to the trickle of Indo-Chinese
refugees? Australian policy clearly had to deal with international politics and the obligations
of being a signatory to the 1951 Convention and the 1967 Protocol. However the Australian
response was also framed by domestic context and politics, setting an enduring policy pattern
for Australia’s approach to refugees.

‘We’re even-handed – one up, one down’
Les Tanner, The Age, 30 April 1975

Les Tanner’s ‘We’re even-handed – one up, one down’ 1975 cartoon published in The Age
captures the mixed foreign policy responses of the Whitlam government towards the
governments of North and South Vietnam, the Democratic Republic of Vietnam and the
Republic of Vietnam respectively.\textsuperscript{106} Prior to the fall of Saigon in 1975, the Whitlam

\textsuperscript{106} In the 1960s the ALP was divided on the policy of supporting the war in Vietnam with Opposition leader Arthur
Calwell delivering possibly his finest speech in 1966 opposing “this dirty and unwinnable war.” His then deputy,
Gough Whitlam publically supported Australian troops in Vietnam. However when Whitlam was elected in 1972
he recalled Australian troops, abolished conscription and advised the US after their 1972 Hanoi bombing that this
was “indefensible” (cited in Cameron 1980, p. 220-221).
government sought to be “even-handed” in its dealings with the governments of Vietnam (Viviani 1984, p. 57). However as the war drew to a close, this even-handedness gave way to clear foreign policy preferences.

An opinion piece titled ‘Whitlam Exposed’ (Richardson 1975) accompanying the cartoon in The Age claimed that different diplomatic cables were sent by the Whitlam government to the Democratic Republic of Vietnam and the Republic of Vietnam. The Herald editorial considered that in doing this, Whitlam had deceived the Australian people, and his “lies, duplicity and abuse of trust” warranted that Whitlam “be brought down” (cited in Cameron 1980, p. 227). Whitlam’s position on Vietnam, stated publicly in Washington in 1973, suggested that he was ambivalent about which government ruled Vietnam; “who rules in Saigon is not, and never has been, an ingredient in Australia’s security” (cited in Dee & Frost, 2003, p. 181).

While the government claimed it “favoured neither side in the Vietnam war” (Grattan 1975, p. 1), there was evidence to support the claim that the Whitlam government had, since 1972 “responded positively” to the Democratic Republic of Vietnam which governed North Vietnam until the Socialist Republic of Vietnam was established in 1976 (Dee & Frost 2003, p. 179). However as Dee and Frost note in their Department of Foreign Affairs history, the Whitlam government was alert to the politics involved in recognizing the communist Democratic Republic of Vietnam, particularly the potential to “antagonise the Americans, jeopardise Australia’s relations with South Vietnam, and lead to misunderstandings with Australia’s Southeast Asian neighbours” (2003, p. 179). Consequently until 1975 the Whitlam government played a diplomatic waiting game. It assumed, correctly, that communist victory was inevitable in Vietnam, and that the reunification of Vietnam was the only way to resolve the ongoing conflict in Vietnam. The Whitlam government had also assumed that Australia would eventually establish diplomatic ties with the communist government. However it did not want to recognise or establish those diplomatic ties before the war had ended.

Against this background the cables saga of 1975 became a very public demonstration of Whitlam government foreign policy. Whitlam had urged the Republic of Vietnam to accept
the terms of the 1973 Paris Accords\textsuperscript{107} for a ceasefire and to pursue negotiations for reunification. The government advised the Democratic Republic of Vietnam that the Australian government understood the frustrations, and military action it had been required to take because South Vietnam had not accepted the provisions of the Paris accord (Burns 1975; Cameron 1980; Richardson, 1975c). While Burns suggests that Whitlam was simply supporting the winners in this war, he criticised Whitlam’s actions because “backing the winner in foreign politics may be prudent but it is not necessarily virtuous” (1975, p. 8). Dee and Frost note that while the “domestic political implications of these initiatives was considerable” (2003, p. 182), the fall of Saigon a day after the publication of the cables, actually saved the Whitlam government from being overshadowed by a foreign policy crisis. The bigger issue was the “landmark decision” by the Australian government to recognise and establish diplomatic relations with “a communist government in Southeast Asia” (Dee & Frost 2003, p. 180).

Les Tanner, who had joined the Communist Party after his stint with the Occupation Forces exposed him to people dying of starvation in post-war Japan (Turner 2000), has neatly captured the perceived lack of balance attributed to Whitlam regarding the governments of Vietnam. Here Tanner has captured Whitlam’s preference and support for the communist government of Ho Chi Minh. Both Whitlam and the Department of Foreign Affairs considered that it was important for Australia to establish diplomatic relations with North Vietnam for a number of reasons including:

- *North Vietnam’s potential to become a significant economic and political power in the region; Australia’s long term trading interests; the opportunity to give further emphasis to a more independent approach to foreign policy issues; and the benefits that representation in Hanoi would provide in administering and implementing the international relief and reconstruction programme for Indo-China* (Dee & Frost 2003, p. 179).

Viviani argues that the Whitlam government was tardy in determining the level of support the Australian government would provide for refugees fleeing South Vietnam because it did not want to offend the Democratic Republic of Vietnam. This decision was contentious because as Viviani (1984) argues, Australians were still very divided on the Vietnam war, and pro-Vietnam War supporters felt that Australia should immediately assist South Vietnamese

\textsuperscript{107} Kissinger had negotiated agreements for ending the war and peace settlements were signed in Paris 1973 between the US and the governments of South and North Vietnam and the Provisional Revolutionary Government. An accord was also negotiated for Laos.
refugees and those under threat from the communist regime. Opponents of the Vietnam War raised humanitarian arguments to urge Australia to assist Vietnamese refugees. However as Viviani says, “Vietnamese migration combined political and race factors in a way that had not occurred before in Australia’s history as a nation state” (1984, p. 54).

It is helpful here to have some sense of who the refugees were for understanding why their treatment became a politicised issue in Australia. Viviani argues that the Vietnamese with the most to lose after the communist victory in the South were those who had a stake in South Vietnam until 1975. She says that these were the “elite northerners resident in South Vietnam, the South Vietnamese elite, the Catholics and the Chinese” and it was they who had the “strongest motives for leaving their country” (1984, p. 14). Many refugees were Catholic or Buddhist, and Viviani explains that

…to be a Catholic Vietnamese was to occupy a particular political and socio-economic position especially if you were a northerner. Catholics in Vietnam were known for their activism, their Westernised outlooks, and the strength of their anti-communist Catholic-nationalist ideology. To be a Buddhist or worshipper of ancestors… meant one was part of the majority embracing the entrenched national religion… [which] influenced different perspectives on political participation, particularly when Buddhist values were seen as being threatened” (1984, p. 146-147).

However Minister for Immigration Clyde Cameron seemed to have little understanding or recognition of the internal divisions and vulnerabilities which were exposed in South Vietnam with the communist victory. Rather he says that he

…rejected the ‘blood bath’ propaganda from Saigon and the US which was being peddled by the Liberal and Country Parties and I decided that all Vietnamese would be treated in exactly the same way as European applicants for emigration to Australia (1980, p. 229).

Both Cameron (1980) and Viviani (1984) report that it was actually Whitlam who took the strongest line against Australia’s accepting Vietnamese refugees. In April 1975 Whitlam had assumed responsibility for Vietnamese migration, and put an injunction on the processing of all Vietnamese migrants. When Whitlam was pushed by Foreign Minister Don Willesee to ease migration restrictions on the Vietnamese because of “the realities of war,” particularly regarding the provision of diplomatic asylum to those Vietnamese who had been employed by

108 Viviani (1984) explains that the French had supported the advancement of Vietnamese Catholics in the bureaucracy, and the dominance of Chinese in business. Osborne (1980) notes that when the French left Vietnam in 1956 some 900,000 northern refugees moved south. He says that 60 per cent were Catholics. Viviani says “800,000 refugees moved south, the majority of whom were Catholics” (1984, p. 11).
the Australian embassy in Vietnam, and students studying in Australia who had returned to Vietnam, Whitlam’s response was not only overwhelmingly negative, it was also extraordinarily racist (Cameron 1980, p. 230). Demonstrating his ignorance of those fleeing Vietnam, Whitlam said “I’m not having hundreds of fucking Vietnamese Balts coming into this country with their religious and political hatreds against us” (Whitlam cited in Cameron 1980, p. 230). Many years later, Whitlam took issue with Clyde Cameron’s interpretation of these events and in what he called a “hostile book” in a series of letters written to Gerard Henderson. He wrote these after Henderson had claimed in the Sydney Morning Herald that Whitlam had “denied refuge to Vietnamese who were entitled to seek refuge in Australia” (Whitlam 2003a, p. 12). While Whitlam did not deny his now famous comment, he argued that his government


Whitlam claimed in his defense that Australia accepted 200 Vietnamese orphans, and that some 1000 Vietnamese refugees arrived in Australia in 1975 (Tavan 2005). Rees speaks of “Australia’s dubious role in the evacuation of refugees” and notes how “plane loads of unendangered babies… [were] ripped out of their country” (1976, p. 12). Rather than act immediately, Whitlam used the time-honoured political tactic of commissioning a Senate Inquiry to investigate the “plight and circumstances of refugees and other persons forced to leave South Vietnam” (Senate Standing Committee on Foreign Affairs and Defence 1976, p. 1). The inquiry found that Australia had contributed aid funds to UNICEF in 1974, and then made three, $1million separate contributions to the UNHCR during April and May 1975. Stevens (2012) offers one explanation for Whitlam’s reluctance to accept Vietnamese refugees, which is that the Whitlam government had reduced immigration intakes in considerable numbers over the period 1973-1975, and the low Vietnamese refugee and migrant numbers could be understood as part of the policy approach to restrict immigration.

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109 Whitlam did agree to provide entry visas to “Vietnamese spouses and children of non-official Australians, spouses and children and finances/finances of Vietnamese students already in Australia (and specifically not their parents); Vietnamese citizens who had been closely associated with the Australian presence in Vietnam and whose lives were in danger, could be referred back to Australia on a case-by-case basis” (Cameron 1980, p. 231).
110 Gerard Henderson says that in a telephone conversation on 30 January 2003 Whitlam “did not dispute the comment attributed to him by Clyde Cameron” (2003, p. 18).
111 Viviani puts the figure at 1093 Vietnamese refugees arriving in Australia in 1975 (1984, p. 64). Viviani (1984) also notes that Australia did not take any refugees from either Laos or Cambodia at this time.
Another, and arguably more relevant, explanation for Whitlam’s response to Vietnamese refugees lies in the fact that the UNHCR was slow to determine the status of people fleeing Vietnam, Laos and Cambodia. Indeed by November 1975 the UNHCR “had not formally recognized the Indochinese as prima facie refugees” (Davies 2008, p. 88). Davies claims the UNHCR referred to the Indochinese as ‘displaced persons’ rather than refugees “due to a change of regime and a general fear of the new regime, and that none of them could claim membership of a particular group that was being persecuted” (2008, p. 91). According to the UNHCR its “sole function was to provide humanitarian assistance to the displaced persons and to assist in voluntary repatriation or resettlement in states that offered places” (2008, p.92). For Whitlam this may have been simple political opportunism, but in his defense he had the weight of the UNHCR policy supporting his refusal to accept refugees from Vietnam in particular, and Indochina more broadly. As becomes clear in the discussion below, pressure from the US on both her allies and the UNHCR was the key driver in getting Western states including Australia to accept Vietnamese refugees. Davies accepts Loescher’s argument that US readiness to accord the Indo-Chinese refugee status was simply a “justification for the US decision to wage war in Indochina – the many refugees leaving communist regimes was seen as proof of the justified fight against communism…” (2008, p. 94).

‘The question is, can we win THEIR hearts and minds?’

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112Prima facie refugee status is accorded by the UNHCR to large groups of refugees rather than the usual individual refugee determination.
What the Cartoonists Said

Tanner continued to produce cartoons focusing on Vietnam, and the problem of Vietnamese refugees. A week after the fall of Saigon “The question is, can we win THEIR hearts and minds?” cartoon was published in The Age. Although Vietnamese refugees did not arrive by boat in Australia until 1976, Tanner’s cartoon is one of the first Australian political cartoon representations of refugees as “boat people”. The cartoon was accompanied by South-East Asia Correspondent Michael Richardson’s front page story of 6,500 refugees who had arrived by boat in Singapore and were denied landing permits, and lay anchored several miles offshore. The refugees were not allowed to land but were able to purchase fuel and provisions to continue on their journeys to Australia, the US, Guam and the Philippines. Richardson reported that many of the refugees were planning to sail to Australia “- without visas or official permission - in the hope of being allowed to settle” (1975a, p. 1). The advice from Canberra was that immigration rules would not be changed to accommodate these refugees.

In the crisis leading to and immediately after the fall of Saigon, Australia’s position in regard to refugees from South Vietnam became a significant and contentious domestic issue. Criticism came from a range of quarters including the Herald and The Age newspapers, church groups, unions, the RSL, the opposition and the general public regarding Whitlam’s delay in “setting guidelines for Vietnamese seeking asylum in Australia” (Cameron 1980, p. 227). An editorial from The Age was typical of the views;

Australia has not covered itself in glory in dealings with refugees… Australia must help as many refugees as possible and do this as quickly as possible. With an undetermined number of refugees in distressing conditions in Singapore harbor, this is not the time for political or bureaucratic fiddling (Editorial, The Age 7 May 1975).

Baker (1975) reported in The Age that the Roman Catholic bishops and the Anglican Primate argued that Australia needed to do more for Vietnamese refugees. The bishops were critical of Whitlam’s position that Australia would take refugees “conditional on other countries

113 There were letters to newspapers urging that Australia take more refugees (The Age 29 April 1975).
doing the same” (Baker 1975). The bishops quoted Article 14 of the UN Declaration of Human Rights which recognises the right of every human being to seek and enjoy in other countries asylum from persecution. Anglican Primate Archbishop Woods said in his telegram to Whitlam that “Australia should act in the tradition of free nations in offering a home to political refugees...” (Baker 1975).

Tanner’s use of the ‘winning hearts and minds’ mantra is a clever play on the term associated with US foreign policy, particularly Lyndon Johnson’s Vietnam campaign. Johnson said that “ultimate victory [in Vietnam] will depend on the hearts and minds of the Vietnamese” (Dickinson 2009, p. 29). Tanner has used this “bright shining slogan” in his interpretation so that it is the Vietnamese people who are asking if they can now ‘win the hearts and minds’ of the West, particularly host countries, such as Australia and the US (Dickinson 2009, p. 29). Tanner’s reference also expresses an ironic view of the US counter insurgency ‘winning hearts and minds’ strategy in Vietnam, and of the subsequent humanitarian failure by the Australian and US governments to provide refuge to South Vietnamese refugees. Loescher says that after the fall of Saigon the world assumed that responsibility for refugees fleeing South Vietnam rested with the US. The US indeed evacuated refugees for resettlement in the US and canvassed support for the settlement of refugees both in South-east Asia and Europe. However the UN “viewed the Indo-China crisis as an American problem and as the almost inevitable aftermath of years of American involvement” (Loescher 2001, p. 190). This in turn meant that the UNHCR did not want to become “too closely identified with the former Vietnamese client regime of the United States” for fear of offending Indo-China’s communist governments (Loescher 2001, p. 190). This was because the UNHCR wanted to play a role in Vietnam’s postwar development and reconstruction.

Tanner’s cartoon represents the people of Vietnam as victims, in both the quest for legitimacy for the new communist government of South Vietnam, and for the refugees from South Vietnam who had been forced to leave their homeland. Viviani provides further context for Tanner’s cartoon with her observation that the …stories of flight by sea are legion and represent a chapter in human history of great stoicism, courage and self-sacrifice on the part of many Vietnamese. Yet this history is also entwined with the less noble qualities of rapacity, cruelty and indifference which have been practices by individuals and states since 1975 (1984, p. 38).
'Make sure it’s either a doctor, dentist or engineer'

Ron Tandberg, The Age, 7 May 1975

Ron Tandberg’s cartoon published in The Age has Whitlam advising an Australian lifesaver to “Make sure it’s either a doctor, dentist or engineer” that receives the lifebuoy being thrown to refugees struggling in the water. The shocking idea that the Whitlam government would selectively save refugees because of their skills and qualifications and allow others to drown was a response to Singapore’s Prime Minister Lee Kuan Yew’s suggestion that Australia was only taking the “cream of Asia’s professional classes as migrants” (Richardson 1975b, p. 1). Tandberg acknowledges that the “power of a cartoon is that it shocks” and he says that he wants people to be surprised by and react to his cartoons (cited in Turner 2000, p. 99). He explains that his work is addressed to “people who think…but they have to be able to think, and not all the population can think” (cited in Turner 2000, p. 99).

Lee had asked, in reference to the 45 ships in Singapore harbour carrying Vietnamese refugees, “how would it be if he took all of the doctors, dentists, engineers, and let the rest move on, denying them admission” (Richardson 1975b, p. 1). Some years later in 1978, Malaysia’s Deputy Prime Minister Dr. Mahathir offered a similar criticism of the countries including the US, Australia, France and Canada, who were selecting from the Vietnamese refugees in Malaysia the “doctors, the lawyers, the best educated, and leave, possibly, the

114 Melbourne born Ron Tandberg has worked at The Age since 1973. He has noted the contribution of his childhood Catholicism to his cartooning approach particularly the role of the confessional. He says “instead of examining my conscience, I decided to examine everybody else’s – particularly politicians” (cited in Turner 2000, p. 92). His hope is that his cartoons are “making people question politicians” (op cit, p. 95).
criminals to us” (cited in Richardson 1978, p. 1). Singapore, along with the governments of Malaysia and the US and the UNHCR were particularly critical of Australia’s failure to outline plans for taking any of the thousands of Indo-Chinese refugees in the region. The US had made it clear that while it was withdrawing troops from Vietnam it would continue to provide support to the people of South Vietnam. It had announced shortly before the fall of Saigon that it would accept 176,000 refugees and had provided details on the process for their evacuation.

The US refugee response needs to be seen as the continuation of US Cold War politics with the provision of support to refugees ‘fleeing’ communism. Refugees fleeing totalitarian regimes in Eastern Europe and Cuba in the 1950s represented a “ballot for freedom” (Loescher 2001, p. 132). Loescher explains that the politics of refugee settlement were not just a consequence of Cold War military intervention, but were also part of the “East-West struggle for hegemony” (2001, p. 103). The US had accepted refugees fleeing communism since the 1940s but it was not until 1965 with the passing of the Immigration Reform Act that this ideological preference was explicitly written into legislation.\(^\text{115}\)

Lee’s provocative response to questions regarding Singapore’s refusal to settle refugees included an attack on Whitlam on racial grounds. Lee implied that Whitlam’s lack of action regarding Vietnamese refugees was contradictory given the Whitlam government’s recent abolition of the White Australia policy. Lee stated

They could sail on to more salubrious countries. There’s the great wealthy continent of Australia, and they have a very sympathetic Prime Minister who believes that the White Australia policy is most deplorable and damnable, and here is his chance (cited in Viviani 1984, p. 64).

In May 1975 the US pressured the UN Secretary General to pressure the UNHCR to issue a world-wide appeal to take Indo-Chinese refugees. The US-led push saw some twenty countries accept refugees for re-settlement. Loescher says that most countries continued to view “the refugee problem as Washington’s special responsibility” (2001, p. 192). This pressure eventually forced the Australian government into a response, and shortly after Lee’s

\(^{115}\) The US Immigration Reform Act made provision for “aliens who... because of persecution or fear of persecution on account of race, religion or political opinion have fled... from any Communist or Communist-dominated country or area...” (Loescher 2001, p. 183). Loescher says the US developed a “double standard” in its treatment of refugees where refugees fleeing communism were accepted but those simply fleeing persecution were rejected or repatriated (2001, p. 185).
challenge to Whitlam, the Australian government announced it would accept Vietnamese refugees for permanent settlement from Singapore and Hong Kong.

Alan Moir’s cartoon ‘How many Viet refugees...if any?’ published in the Bulletin features a fine caricature of Prime Minister Whitlam with Deputy Prime Minister and Treasurer Jim Cairns discussing how many, and indeed if any, Vietnamese refugees Australia would accept. Moir believes that the role of the cartoonist is “to attack governments no matter who they are” and the cartoon certainly captures the rich and contradictory mix of issues in relation to Australia’s treatment of Vietnamese refugees (Moir cited in Turner 2000, p. 115).

Importantly, Cairns had been the political face of Australia’s radical anti-war campaign which had objected to the Vietnam war on moral and political grounds. Kuhn (1997) says Cairns was also deeply opposed to Australian dependence on the US and the alliance which had dragged Australia into Vietnam. In contrast, the conservative justification for military involvement in the Vietnam war was driven by a combination of "racism (the 'Yellow Peril') and anti-communism (the 'Red Hordes')... neatly combined in paranoia about Chinese expansionism, toppling dominoes down to Darwin" (Kuhn 1997, p. 176). Whitlam was

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elected on an anti-Vietnam war policy platform and in his first week as Prime Minister he abolished conscription and announced the withdrawal of combat troops from Vietnam (Whitlam 1985).

Moir’s cartoon captures the critical issues identified by Viviani (1996) who argues that the exodus of refugees from Vietnam after the 1975 fall of Saigon presented a number of deep and confronting challenges for Australia. Vietnamese refugees potentially represented the realisation of Australia’s long held, and deep fear of an Asian invasion. The entry of Asian people into Australia’s still largely white, homogenous population represented a threat to social, cultural, political and racial cohesion. When Cold War communist fears were added to the mix, tensions regarding Vietnamese refugees were exacerbated. Potentially Australia was facing an invasion of Asian communists.

Moir, who describes his cartooning style as akin to Les Tanner’s because of its mix of caricature and cartoon, says he looks for contradictions in politics (Moir in Turner 2000). In this cartoon he highlights the basic contradiction in Australia’s refusal to accept Vietnamese refugees after the recent abolition of the White Australia policy. While the Whitlam government had formally abolished the White Australia policy when it introduced The Australian Citizenship Act 1973 Tavan argues that Vietnamese refugees represented the “most decisive challenge to White Australia” (2005, p. 205). Noting the Whitlam policy contradiction of visionary racial tolerance, evident in the abolition of White Australia on one hand, and his explicit racism directed at Vietnamese refugees on the other, Harris argues that “while Whitlam probably contributed most to overcoming Australia’s racist reputation, Whitlam’s early response to Vietnamese refugees was largely negative because of his sensitivity to Viet Nam” (1993, p. 26).

Moir’s reference to the White Australia policy “turning over in its grave” acknowledges Immigration Minister Al Grassby’s famous quip regarding the end of White Australia, when he said “give me a shovel and I will bury it” (Grassby cited in Whitlam 1985, p. 501). It also works in other ways implying that the dead White Australia policy, and possibly sections of the Australian community who continue to support the policy, would be appalled at the decision to accept refugees from an Asian country. Ending the White Australia policy meant

117 Approximately two million refugees left Indo-China between 1975 – 1982 and approximately 800,000 resettled abroad (Viviani 1984, p. 43).
removing all discriminatory provisions directed at non-European migrants. As well the policy change shifted a fundamental direction of immigration policy away from the post-war population growth push, towards better meeting the needs of Australian industry, a focus on family reunions, and the provision by government of employment, housing, social services and education support for migrants. Whitlam’s agenda was to improve Australia’s international reputation with a shift to racial tolerance in immigration policy. This strategic agenda was not limited to the international sphere as Whitlam was very aware of the electoral capital which migrant voters would have “in electorates which the ALP held or could win” (1985, p. 495). Tavan (2005) notes that the 1974 election demonstrated majority support for the abolition of White Australia. It was therefore ironic that Al Grassby, Minister for Immigration in the first Whitlam government lost his seat in the 1974 election in “the most intensive and virulent racist campaign yet recorded in Australia” (Warburton cited in Whitlam 1985, p. 499).

The Whitlam government was not only slow in determining which and how many refugees would be accepted into Australia. Samuel writing in the Bulletin says the Whitlam government treated those Vietnamese refugees who were given refuge as “political eunuchs” with the requirement that they not engage in any political activity as a condition of being granted permanent residency (1985, p. 16). This denial of citizenship rights was a new and unusual plank in Australia’s punitive treatment of refugees which was subsequently overturned by the Fraser government. Viviani argues that Whitlam’s motives in restricting the entry of refugees “were a straightforward concern to avoid a new influx of emotional anti-communists into Australian politics…” (1984, p. 65). Rees suggests that Whitlam’s reluctance to take Vietnamese refugees was a mix of “indulging the leftist regime in Hanoi, the emotions of Australians who feared an influx of refugees and at the same time the unfulfilled prejudices of those who predicted the North Vietnamese would carry out massacres”(1976, p. 12).

**The Fraser Government**

By 1976 changes in domestic Vietnamese policy stimulated the movement of new refugees out of Vietnam and for the first time Vietnamese refugees successfully navigated the 6,500 kilometre journey by boat to Australia. Viviani says the arrival of five Vietnamese refugees in boats to Darwin in April 1976 was of “historical importance” (1984, p. 54). It had
...a complex and far-reaching impact on Australian perceptions, long and deeply held, of the vulnerability of their country to Asian penetration. Because these refugees were Asian, and some at least could arrive unannounced, successive Australian governments had to confront difficult domestic reactions concerning entry policy (Viviani 1984, p. 54).

Australia had suddenly become a country of first asylum and the recently elected Fraser government granted these first Vietnamese ‘boat people’ as the refugees quickly became known, temporary entry permits and effectively granted the refugees permanent residency. Initial responses from the Sun newspaper were a portent of the controversy which the arrival of boat people in Australia was to become over succeeding decades. The paper stated; “today’s trickle of unannounced visitors to our lonely northern coastline could well become a tide of human flotsam” (cited in Viviani 1984, p. 70). Despite Australia’s newfound racial tolerance, new forms of racism surfaced in the newspapers’ vilification portraying refugees arriving in boats as the invading other, as “human flotsam.” The term ‘flotsam’ has quite specific meaning in maritime law and is used in contrast to the term ‘jetsam’. Flotsam, meaning to float, refers to debris from a shipwreck or accident whereas ‘jetsam’ refers to debris deliberately thrown overboard or jettisoned.

Jayasuriya draws on Wieviorka to suggest that there have been two logics to Australian racism; the ‘old racism’ of the nineteenth century which involved “the idea of inequality – domination, exploitation;” and a twentieth century ‘new racism’ based on the “idea of difference – unity and identity” (2012, p. 22). The ideological basis of racism remains, but Jayasuriya points to different discourses and representations. The arrival of Vietnamese refugees by boat confirmed Australia’s “anxious nation” (Walker 1999) fears; unannounced visitors; lonely coastline; and a tide of “human flotsam” from Asia. The metaphors were powerful and compelling. This brutal framing of boat people was the beginning of a long and ongoing political campaign designed to challenge the international and national legal and moral obligations owed to particular groups fleeing persecution.
Peter Nicholson’s cartoon ‘Vietnamese Refugees’ published in The Age, 1977 has then Fraser government Immigration Minister Michael Mackellar shouting to a crowded boat of refugees “Can’t you take your hearts and minds somewhere else?”. Other members of the Fraser government including Fraser himself, Andrew Peacock and James Killen are standing watching on the Darwin jetty.

The cartoon was a response to the Fraser government’s announcement that Indo-Chinese refugees arriving unofficially in Darwin by boat would no longer be guaranteed entry (McCarthy 1975). Boats carrying Vietnamese refugees had been arriving during 1976 and continued arriving in 1977. Growing refugee numbers in the region meant that many refugees were “languishing” in refugee camps in Thailand and Malaysia (Viviani 1984, p. 69). Viviani says that by way of response, the Thai and Malaysian governments resorted to refueling and provisioning seaworthy boats carrying refugees and sending them on to other ports. This meant of course that some boats would eventually arrive in Australia.

The Fraser government had to mediate between the ASEAN countries who were pressuring Australia again to respond to the refugee crisis, and Australia’s new domestic anti-refugee
politics. Then ACTU president, Bob Hawke articulated the dominant domestic position regarding boat arrivals, which would be echoed more than two decades later by John Howard:

Of course, we should have compassion, but people who are coming in this way are not the only people in the world who have rights to our compassion. Any sovereign nation has the right to determine how it will exercise its compassion and how it will increase its population (cited in Megalogenis 2003, p. 141).

In responding to these pressures, Mackellar advised that refugees needed to use the United Nations channels for permanent entry, and that “our approach...has been sympathetic. But that should not be construed by anyone as a guarantee of a permanent residence here for anyone who turns up” (McCarthy, 1975, p.1). Notwithstanding Mackellar’s initial toughness, his conclusion made clear his own humanitarian sentiments. He said “there was no question of the Government refusing assistance or temporary residence to refugees who came to Darwin under their own steam” (McCarthy 1975, p. 1).

Nicholson’s cartoon, like Tanner’s earlier, uses the ‘hearts and minds’ slogan. However Nicholson’s use reflects Fraser government exasperation at having to deal with the consequences of the Vietnam war two years after the war had ended. The ironically named Minister for Defence, Jim Killen, is saying “Are you sure these are the ones we fought and died for? They all look the same to me.” His comment, with its distinctly racist overtone, suggests that not only was the Vietnam war a distant memory, but that the Vietnamese refugees were indistinguishable from other refugees from Indo-China. Tanner also has Killen implying that from Australia’s perspective it may have some responsibility for Vietnamese refugees but it does not have responsibility for refugees from Laos and Kampuchea. The cartoon confirms Stevens’ conclusion that the Fraser government responses to Vietnamese refugees involved a mix of “resistance and pragmatism” (2012, p. 576). Stevens argues that contemporary claims that Fraser, unlike his predecessor Whitlam, was overly supportive of refugees are not borne out by her discourse analysis evidence.

Mackellar’s May 1977 policy announcements reveal the important and ongoing tension within Australian refugee policy; an acceptance and recognition of Australia’s international refugee obligations on one hand; and “the principle that the decision to accept refugees must always remain with the government” on the other (Viviani 1984, p. 71-72). As I will demonstrate later, the balance in this tension has always been in favour of the sovereign right to determine
who comes to this country. This has been and continues to be expressed as an enduring mantra of a right to exclude. The state claim to determine who comes to this country had always been the key driver in immigration policy, because as Humphrey argues “who can come has been used to define who we are” (2003, p. 31).

As I have already argued, nineteenth century colonial immigration restriction legislation like the 1901 national legislation “established a racialised border” (Humphrey 2003, p. 31) which was applied to immigrants. It was again used in Australia’s selection of Jewish refugees in the 1930s and 1940s. It was now being applied by Australia, despite the 1967 Refugee Protocol, as a key part of the nation’s approach to Indo-Chinese refugees in the 1970s.

Viviani argues that the Fraser government was particularly sensitive to both domestic opposition, and growing pressure from the South-east Asian governments in the region. The pressure to accommodate increasing numbers of refugees was fuelling South-east Asian governments’ urging that Australia to accept more refugees. The Fraser government relented and signed bilateral agreements with the governments of Hong Kong, Malaysia and Indonesia which allowed Australia to select refugees from refugee camps in these countries if they agreed to prevent boats carrying refugees from coming to Australia (Schloenhardt 2000). Viviani says that Indo-Chinese refugees became a key public policy issue for the Fraser government, shifting from the number of refugees to be accepted by Australia to “the apparently much more difficult one of finding an appropriate response to the almost constant stream of boat arrivals on Australia’s northern shores” (Viviani 1984, p. 78).
The Cartoonists and the Fraser Government

Emeric Vrbancich’s cartoon published in the Sydney Morning Herald was a commentary on the status of refugee issues in the lead up to the 1977 federal election. The cartoon has a voter from northern Australia casually reading about election policy platforms while a number of boats carrying Indo-Chinese refugees arrive on Australia’s northern shores. Vrbancich locates their arrival in Australia’s foreign affairs and defence policy, with the implication that the refugees are a cloud on the horizon, and that they have escaped pre-election scrutiny. Viviani argues that the arrival of Indo-Chinese refugees in the 1970s in Australia meant that for the first time immigration policy, refugee policy and foreign policy became “closely connected” (1984, p. 67).

The background to the cartoon was the growing concern about the numbers of refugees

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118 Austrian born Emeric Vrbancich worked as both an architectural draughtsman and cartoonist for the Sydney Morning Herald for two decades. He joined the paper in 1972 after the death of Hal Eyre Jr. and worked with George Molnar, the other SMH cartoonist (Lindsay Foyle, personal communication 12 Dec, 2013).
arriving in boats. Press reports that proved inaccurate about an ‘armada of 60 boats’ carrying 2000 Indo-Chinese refugees heading for Darwin fuelled concern and hysteria. One boat in particular, the Song Be 12 carrying 180 refugees, attracted national headlines. It was described as a “commandeered Vietnamese government fishing trawler” and it was claimed that refugees had hijacked the boat (Richardson 1977, p. 1). The response of the Northern Territory Trades and Labour Council was typical in calling these refugees ‘pirates’ and demanding that they be sent home to Vietnam for punishment. The Waterside Workers Federation threatened a two-hour strike for every refugee boat which arrived in Darwin (‘Navy patrol will escort Viet ship’, Sydney Morning Herald 1977). However Leader of the Opposition Gough Whitlam argued that Australia should accept genuine refugees when they land (‘Some refugees deterred – PM’, Sydney Morning Herald, 29 November 1977 p. 6).

Responding in this climate to the reported arrival of 200 Vietnamese refugees by boat in Darwin, Minister Mackellar “urged Australians to keep in perspective the arrival of refugees from South east Asia” (cited in Broadbent 1977, p. 1). Mackellar also stated that “aerial surveillance had been stepped up and intelligence reports showed there was no substance to the reports that an armada of refugees was heading towards Darwin” (Broadbent 1977, p. 1). Typically the Sydney Morning Herald editorial published alongside Vrbancich’s cartoon called for reason. It objected to the “loose and wildly inaccurate talk about a “horde” and “flood” of refugees” and urged that Vietnamese refugees not become a “political football” (Editorial, Sydney Morning Herald, 28 November 1977, p. 6). The Age editorial similarly called for both parties to avoid turning the issue of refugees into an election issue. The editorial stated that

…neither the Liberal-Country Party Coalition nor the Labor Party has a proud record of accepting Australia’s special moral responsibility towards the resettlement of refugees from the Indo-Chinese war. Now is the time for compassion and humanity towards the human flotsam of war (Editorial, The Age, 30 November 1977, p. 9).

Moreover the editorial argued that turning back refugees on the high seas was “out of the question” and dismissed suggestions that the refugees were not “genuine hardship cases” (Editorial, The Age, 30 November 1977, p. 9).

By the end of 1977 twenty-five boats carrying refugees had arrived with 723 Vietnamese refugees. Arrivals were reported in the press and editorials were published expressing both pro- and anti-refugee views. Reactions ranged across the spectrum from humanitarian
advocacy, to paranoia, antagonism and hostility. With news of each boat arrival, came growing opposition to Indo-Chinese refugees. Acting ALP spokesman on immigration and ethnic affairs, Senator Tony Mulvihill promoted turning away refugee boats because he believed that the refugees were “not genuine political refugees” (Viviani 1984, p. 74). His views were echoed by the northern press, including the Brisbane Courier Mail which fuelled the “openly racist hostility towards the refugee arrivals” (Viviani 1984, p. 76). Against this opposition, Democrats leader Don Chipp appealed for Australia to not turn back boats (Broadbent, 1977).

The Fraser government incorporated refugee policy into its 1977 immigration policy which had four key components; family reunions; skilled migration and investment; refugees; and special eligibility. Mackellar initiated a refugee education program as a way to engage and develop community support for the refugee program with seminars and pamphlets. This public education campaign had echoes of the post war Good Neighbour Councils developed to support the settlement and acceptance of Displaced Persons and migrants. Explaining Australia’s first refugee policy Mackellar argued that the acceptance of refugees was a very different proposition to the acceptance of migrants; “a refugee policy presents the challenges of accepting people who will have problems and involve costs” (Mackellar 1978, p. 2). Refugee discourses referred to the “problem” of refugees, not the problems of persecution or the problems facing the countries from which refugees had fled. These were problems of being “less skilled, less educated and generally less capable of easily living with the established Australian society” (Mackellar 1978, p. 2).

120 These included pamphlets published by the Department of Immigration and Ethnic Affairs in 1979 and again in 1980 titled ‘Australia’s Policy on Refugees; Facts and Figures’ which provided responses to a series of questions. These included “what is a refugee?; why are people leaving Indo-China?; how many boat people have sailed to Australia? What happens if and when boat people arrive?” (Australia’s Policy on Refugees; Facts and Figures, July 1979).
121 Good Neighbour Councils were established in 1949. McMaster says they “emphasized white Anglo cultural norms and de-emphasised the cultures of the non-British immigrants and refugees as part of the assimilation policy” (2001 p. 46).
122 The full title of the Standing Committee on Foreign Affairs and Defence 1976 report was ‘Australia and the Refugee Problem: the plight and circumstances of Vietnamese and other refugees,’ AGPS, Canberra.
Ron Tandberg’s pocket cartoon ‘They must have the plague!’ appeared on the front page of The Age on 26 June 1979 alongside the headline ‘Plague alert in refugee camps’ (The Age, 26 June 1979). The report advised the Malaysian government had appealed to the World Health Organisation for assistance to because of fears of bubonic plague in Malaysian refugee camps. An area of Kampuchea from which refugees had come, had recorded outbreaks of bubonic plague and the Malaysian government wanted to take use inoculations and delousing as precautionary measures. Tandberg’s cartoon captures the fear of foreigners as ‘carriers of disease’; a theme which has a long history in Australia. One of the problems Mackellar identified in his discussion of Australia’s new refugee policy was “the introduction of disease” (Mackellar 1978, p 3-9).

Other problems included being “from cultures and societies different from Australia’s,” of arriving without “prior authority,” “the infiltration of non-refugees,” “threats to livestock, plants or people,” and “integration within the total Australian community” (Mackellar 1978, p 3-9). While refugees were being constructed in terms of difference, disease and difficulty, Mackellar also recognized how divisive Australia’s acceptance of refugees could be. He stated,

Refugees generate emotional responses. They involve fears and threats to established communities. They instil compassion and nobility in some countries and people. They touch the most personal feelings of life and death and of individual security. The simple fact is that, in spite of the progress towards a more civilised world, we are all potentially refugees (1978 p. 3).
Mackellar had visited refugee camps and was well aware of the range of push factors at work. He argued that Australia had humanitarian and legal obligations, as well the capacity as a wealthy nation, to accept refugees. He rejected proposals that Australia denounce the UN Convention and Protocol, which advocates had based on Australia’s exceptionalism as the only “State Party to the Convention and Protocol in South-East Asia” (1978, p. 5). By way of defence, Mackellar’s aligned Australia with “virtually every other advanced democratic country that had ratified the treaty” (1978, p. 5).

It is clear that Mackellar was committed to supporting refugees, and ensuring that Australia’s refugee policy was robust and sustainable. McMaster (2001) argues that Mackellar’s “influence on refugee policy was significant” (2001 p. 52) and Mackellar is certainly important in developing the enduring policy narratives regarding Australia’s treatment of refugees. However Mackellar’s role as policy champion (Kingdon 1995), and his responsibility for this contested policy area meant that, notwithstanding his own moral and humanitarian position, the controversial and contested nature of refugee politics gave him limited room to move. This is evident in Mackellar’s explanation of Australia’s dual rationale for accepting refugees, “By being generous in admitting refugees we reinforce our credit as a responsible member of the international community and our right to maintain control over entry (1978, p. 2).

Mackellar also articulated Australia’s key and enduring principles for the nation’s refugee policy; “we have to ensure we retain control over entry to Australia” (1978, p. 2) and further that “we cannot countenance an ‘open door’ policy” (1978, p. 11). McMaster says that this is the “Janus nature of refugee discourse, the interaction of the domestic interest and international responsibility which decides who is excluded” (2001, p. 26). Neumann concluded that the Mackellar policy articulated the key principles which had historically informed Australia’s refugee policy engagement; namely a strange mix of “international legal obligations; domestic pressure; national (self-) interest; international reputation; and humanitarian commitment and responsibility” (2004, p. 111). This contested mix meant that the introduction of a non-discriminatory and humanitarian approach to refugees, along with the requirements of international obligations, would always be less significant than national control, deterrence and exclusion agendas.
Bruce Petty’s ‘The ‘Boat People’’ cartoon published in the *The Age* 1979 marked the beginning of a campaign by *The Age* focusing the crisis of Indo-Chinese refugees after the announcement by the Malaysian government of its new refugee strategy to ship 70,000 Vietnamese refugees living in Malaysian refugee camps international waters and open sea. Deputy Prime Minister Mahathir said “if they try sinking their boats, they will not be rescued, they will drown” (AAP-Reuters, *The Age* 16 June 1979). He also announced a shoot-to-kill policy saying his government “would shoot on sight intending arrivals” (Viviani 1984 p. 99). These harsh measures were designed to reduce Malaysia’s Indo-Chinese refugee population given the threat of more refugees arriving from Vietnam, and capture the attention of the international community, particularly the British in Hong Kong, the US and Australian governments.

At the same time Indonesia was planning air and naval blockades to turn away Indo-Chinese boats, following the announcement that no more boats would be allowed to land. Viviani

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123 Initially the Malaysian government planned to purchase and refit thirty fishing boats to transport 10,000 refugees camped on beaches on the east coast of the Malaysian peninsula (AAP – Reuters, *Sydney Morning Herald*, 22 June 1979). Mahathir advised that not only would Malaysia not allow refugee landings, Malaysia had earlier used naval blockades to turn away boats carrying Vietnamese refugees (Schloenhardt 2003), resulting in many deaths as boats sank in unfamiliar waters.

124 More than 48 naval vessels were used to patrol the South China Sea and Indonesian archipelago (AAP-Reuters, *The Age* 16 June 1979).
says that by 1979 “expelling refugees had become ASEAN policy” as Singapore had been turning away boats since 1975, and Malaysia’s decision, along with Indonesia’s and the Philippines to turn away boats meant that all ASEAN countries were turning away refugees, and in some cases towing boats out to sea (1984, p. 99). Only Thailand and Malaysia used coercive force to expel refugees. Not surprisingly, in viewing the passage of refugees from Vietnam, many assumed that Australia would be the next landfall country. Australian officials believed that if Indonesia’s blockade was successful this would not be the case. At the same time, the UNHCR proposed an international conference to discuss increasing resettlement numbers for Indo-Chinese refugees, and to negotiate an ‘orderly departure’ program with Vietnam.125

Petty’s cartoon was part of a broad press campaign designed to highlight the plight of refugees, and accompanied extensive government lobbying by church and community leaders (Viviani 1984). Petty’s cartoon imagines the hostility of South East Asia’s rejection of refugees from a novel perspective. For him the problem is ‘western capitalism’ and he has this problem, represented by its flagship multinationals, with its cargo of western markets, low wage factories and inflation, searching for sanctuary on Southeast Asian shores. Petty has cleverly juxtaposed the position of Indo-Chinese refugees and their rejection by the countries of South East Asia and the west, with that of capitalism’s endless search for new markets and new cheaper production sites. The South East Asian countries reject these entreaties with claims of “go back we’ve had our quota” and “you devils are suffering from low profitability.” From the safety of land, the people of Southeast Asia dismiss these unlikely boatpeople. Petty’s point is that South East Asian nations were bearing the brunt of the Indo-Chinese refugees while the west’s singular interest is growing global markets. Petty’s cartoon alerts us to the fact that neither the west, nor South East Asia were willing to address the plight of refugees.

125 According to Viviani (1984) the conference proposal had come from then Prime Minister Thatcher who was concerned that Britain would also bear the brunt of the ASEAN decision to reject refugees. The conference, on Refugees and Displaced persons from South-East Asia was held in Geneva in July 1979.
Peter Nicholson’s cartoon ‘I liked ‘Holocaust’ better, didn’t you?’ published in The Age 20 June 1979 has an Australian couple comfortably seated watching the American blockbuster television mini-series Roots II and blithely commenting that the ‘Holocaust’ television series was better, while an Indo-Chinese family cling to each other for survival in the open ocean. It is a bitterly ironic image. Both Roots126 and Holocaust were US television miniseries screened in 1977 and 1978 respectively. Roots was a historical family saga depicting US slavery, and Holocaust told of a German Jewish families’ experience of the Holocaust. Nicholson’s cartoon uses these television dramas as the background for depicting the family saga taking place, live on Australia’s doorstep to the north. The Australian couple have their backs turned on this ‘saga’ and Nicholson’s representation suggests the nation as a whole has turned its back on the needs of asylum seekers and refugees. The viewer’s preference for the television series Holocaust adds an ironic, even bitter twist, and says something about the ways in which we develop sympathies for historical events but fail to both see and act in contemporary circumstances where asylum seekers and are persecuted and oppressed by nation states.

126 Roots: The Saga of an American Family was the first series broadcast in 1977. A second series, Roots II: the Second Generation was broadcast in 1979.
Buettner (2011) in her work on the ‘politics of seeing’ argues that “the showing of catastrophe is a lucrative genre in the media industries” (p. 21). It is the spectacle of catastrophe, particularly the “misery, pain, disease, cruelty, and death” which Buettner says “continue to shock and fascinate” (2011, p. 22). Apropos the way Nicholson has evoked the Holocaust, Buettner argues that the Holocaust “has become a benchmark against which other events are judged” and this “is a widespread practice” (2011, p. 2). During 1979 the media in those South East Asian countries feeling the pressure of growing refugee numbers referred to an “Asian Holocaust” (Loescher 2001, 206). Nicholson’s purpose in evoking the Holocaust is to “turn attention to violence, injustice and suffering” (Buettner 2011, p. 4) so that attention can be focused on Indo-Chinese refugees. Nicholson’s frustration is that Australians are not seeing the circumstances of Indo-Chinese refugees for what they are. His cartoon is “a strange nexus of denial and acknowledgement” in relation to the circumstances of refugees (Chambers in Buettner 2011, p. 3).

‘You have a choice – export or perish’,

Les Tanner, The Age, 20 June 1979

Les Tanner’s cartoon ‘You have a choice – export or perish’, published in The Age a few days later was a response to the Vietnamese government practice of forcing, or at the very least
condoning, the exodus of ethnic Chinese refugees (Viviani 1984). Tanner’s cartoon has a Vietnamese official directing a boat load of refugees out to sea with the message ‘You have a choice – export or perish’. Tanner’s cartoon makes it clear that for these refugees there was no choice but to leave Vietnam, thus challenging the growing ambiguity in Australia over economic and political refugees. Tanner’s cartoon also accepts the view that the Vietnamese government was forcing its people to leave the country and face a perilous sea journey. Loescher (2001) says that during 1978 and 1979 “thousands of Vietnamese boat people drowned in an attempt to reach safety” (2001 p. 204). Sea journey dangers were compounded further by the governments of Malaysia, Thailand, and Indonesia blockading their coasts to prevent landings and adopting shoot-to-kill policies. Tanner’s cartoon sought to convey the real and present dangers facing refugees which included death by drowning, thirst, starvation, exposure, and murder at the hands of Thai pirates (Loescher 2001).

In the cartoon background a large freighter alerts us to the presence of enterprising businessmen who were trading in refugees. Jones (1979) reported from her experience of visiting Vietnamese refugees in Singapore that there was a two tiered system for leaving Vietnam operating; the secret exodus by Vietnamese nationals who left in small boats; and for ethnic Chinese a system of formal, organised export. Freighters became central to the business of exporting ethnic Chinese. People had handed over their life savings, usually in gold, and were then taken in small boats out to waiting freighters. Loescher reports that this was a lucrative trade in humans which “earned a high proportion of Vietnamese foreign exchange during a period when the country’s economy was in ruins” (2001, p. 205).

This market had been initiated by both the Vietnamese government’s economic restructuring which “nationalised private trade,” and its decision to expel ethnic Chinese (Loescher 2001, p. 204). However South-East Asia correspondent for The Age, Michael Richardson says Hanoi referred to refugees leaving Vietnam as “illegal escapees” (Richardson 1979). The reform decision of the Vietnamese government impacted greatly on the Chinese and middle class Vietnamese in particular, who constituted Vietnam’s “entrepreneurs,” as the Vietnamese government made it clear that these groups were no longer welcome (Loescher 2001, p. 204). Fear of Chinese persecution in Vietnam led many Chinese to escape to China.127 Crowded freighters arriving in the first asylum countries meant “sentiment hardened

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127 When the People’s Republic of China closed its borders in mid 1978 this option ceased (Loescher 2001).
considerably against the boat people” (Loescher 2001, p. 204).

**Refugee Policy 1979 – 1983**

Viviani (1984) says these developments introduced a new element into refugee debates from 1979 regarding the definition of ‘refugees’ and their subsequent treatment depending on whether refugees had paid to leave, if they were forced to leave or if they were assisted to leave by Chinese businessmen working in collaboration with the Vietnamese government. Here tensions between economic and political refugees, and between refugees and immigrants added further complexity to this contested area. Confronted by these pressures, Immigration Minister Ian Macphee acted to discourage economic refugees by tightening refugee entry criteria in 1981, so that “only genuine refugees, not economic migrants, are admitted under Australia's refugee programs” (York 2003 p. 3). As well new legislative penalties for “profiteering by bringing people to Australia” were introduced (Viviani 1984, p. 94).

Opposition Leader Bill Hayden claimed that many Vietnamese coming to Australia were not genuine refugees and that they were “squeezing out others who had a more legitimate claim to migration to Australia. That is, they are jumping the queue” (cited in Hewett 1981 p. 9). Metaphors of jumping queues had already been used earlier by then Opposition spokesperson on Immigration and Ethnic Affairs, Moss Cass, in response to the arrival of Indo-Chinese refugees in Darwin. He commented that “screening procedures in the refugee camps in South-East Asia had failed and refugees felt they were driven to jump the queue by sailing to Australia” and called on the government to build a reception centre for boat people in Darwin ('Refugees in Darwin today', Sydney Morning Herald, 25 April 1978).

Writing a few months later Cass noted that while Australia had received 1,037 boat people since 1976, it had neither a policy on ‘boat people’ or sent anyone back. Moss’s argument was that Australia’s acceptance of ‘boat people’ “is grossly unjust to those people in camps who have obeyed the rules and waited for processing by our immigration officials” (1978, p. 8). He went on to claim that the needs of refugees waiting in camps were greater than those of the boat people “who frequently arrive carrying assets and have left Vietnam not from fear of political persecution but because they do not like the economic conditions” (Cass 1978 p. 8). Finally Cass suggested that “refugees seeking residence in Australia who jump the queue
by arriving on our shores without proper authorisation should not be given resident status, even temporarily” (1978, p 8). This distinction between types of refugees, and their method of arrival in Australia, while clearly tentative and marginal in the 1970s, would go on to become the tail wagging the refugee policy dog.

Ranan Lurie’s syndicated cartoon ‘No, son, that’s not land’ appeared in The Age 21 June 1979 along with an interview with Immigration Minister Mackellar conducted by Tony Walker (Walker 1979). Lurie’s cartoon of an overcrowded boat bearing an SOS signal appears to be sailing past an iceberg named the “world’s conscience.” Lurie’s suggestion is that

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128 Ranan Lurie is an Israeli born American editorial cartoonist and journalist. He has been the political cartoonist for Yediot Aharonot, Life magazine, Newsweek, The U.S. News & World Report, I magazine, Foreign Affairs magazine, Die Welt, Asahi Shimbun and the London Times. Lurie’s cartoons have been syndicated to more than 1,000 publications globally. He also established the Cartoon News magazine as an educational resource to teach students about current events. Former UN Secretary General Kofi Annan developed the UN Ranan Lurie Political Cartoon Awards in 2000. The cartoon award is designed “to promote the highest standard of excellence in political cartoons depicting the spirit of the United Nations” (http://lurieunaward.com/award.htm).
conscience is all that is required to assist the world’s refugee population.

However by the late 1970s the three processes for assisting refugees were overwhelmed and at crisis point. The countries of first asylum in South East Asia were already overcrowded with refugee populations and were turning away new boat arrivals. Further resettlement countries such as Australia and the US were loath to increase their refugee intakes because of refugee politics and hostility. Finally the UN, which relied for its operation on aid donations, was limited in both profile and resources. Lurie’s assessment of the need for global commitment in order to respond to the crisis was indeed correct but it was slow in coming.

Immigration Minister Mackellar’s response to questions regarding why Australia was not increasing its refugee intake was typical and helps to understand the thinking and assumptions of western countries. Denying that there was a refugee crisis Mackellar stated:

…the situation has been with us for some time. It’s nothing new and we will continue to deal with the problem as we have in the past. That is, to resettle refugees within Australia within our realistic capacity to so (cited in Walker 1979).

In response to questions about whether Australia could do more in relation to Indo-Chinese refugees Mackellar articulated the now familiar, sovereign-nation-control response;

The Government always maintains the right to determine who shall or who shall not come into Australia and therefore it is for the Government to decide how many refugees or other people will be admitted (cited in Walker 1979).

In explaining why Australia would not significantly increase its annual refugee intake beyond the proposed increase from 9,500 to 10,500 people, Mackellar pointed to the need to balance competing international and domestic interests. The domestic pressure was significant given that a poll of readers conducted by The Age in June 1979 at the height of this crisis, and during The Age campaign, found that seventy per cent were opposed to an increase in the refugee quota (Walker, 1979). Mackellar’s argument uses old tropes in a defense of the national interest;

Now I’ve got to balance that pressure [from the international community and South East Asian countries] against the pressure within Australia to maintain an orderly entry to Australia in such a way as not to disrupt the economic or social fabric of the country (cited in Walker 1979).

Mackellar broadly defended Australia’s resettlement record, accepting that difficult choices
had to be made, and explained that Australia’s refugee intake was calculated as a proportion of the 90,000 total migration intake of family reunions, skilled migrants and refugees. Moreover the refugee proportion was based on

…a realistic estimate of what we can quickly and realistically integrate into the Australian community, bearing in mind that you have only a certain amount of infrastructure to deal with these people (cited in Walker 1979).

In retrospect it is clear that Mackellar’s was a humanitarian approach framed by a traditional interpretation of the national interest. This meant accepting popular demands to maintain the cohesion of the white status quo. This would be possible, Mackellar assumed, if numbers of refugees were small enough to integrate into the Australian community.

In his elegantly titled essay, ‘Fear of small numbers,’ Appaduri’s work on minorities provides useful insights for understanding why even small numbers of Indo-Chinese refugees constitute a social cohesion problem for Australians. Appaduri identifies the puzzle and challenge of minorities by asking:

…why the small numbers that give the word minority its most simple meaning and usually imply political and military weakness do not prevent minorities from being objects of fear and rage (2006 p. 48).

In unravelling this puzzle Appaduri argues that conceptions of ‘minorities’ and ‘majorities’ are a recent historical invention, essentially linked to, and derived from the modern nation-state (2006, p. 50). He suggests that categories of ‘majority’ and ‘minority’ in liberal social thought produce an “anxiety of incompleteness” which arises when minorities remind majorities of the “small gap which lies between their condition as majorities and the horizon of an unsullied national whole, a pure and untainted national ethos” (2006, p. 8). It is this sense of incompleteness which leads to the creation of “predatory identities” (2006, p. 51). Predatory identities are those whose “social construction and mobilisation require the extinction of other, proximate social categories, defined as threats to the very existence of some group, defined as a we” (Appaduri 2006, p. 51). A nation’s shift from a “benign social identity” to a predatory identity occurs “by mobilising an understanding of itself as a threatened majority” (Appaduri 2006, p. 51). In Appaduri’s conception of predatory identities Nazi Germany looms large, along with Rwanda as examples of ethnocidal violence. However the ideology of white Australia and the associated fear of ‘Asian hordes’ and ‘Yellow Peril’ surely fits with his account of the formation of a ‘predatory national identity’.
Australian decisions over many decades to restrict the numbers of both Jewish and Indo-Chinese refugees can in part be explained as a threatened majority mobilisation. In Mackellar’s policy regime there is a fear of small numbers, and an attempt to engineer integration on a scale which does not mobilize majority hostility. This is to become an enduring feature of Australian refugee policy.

Peter Nicholson’s ‘Refugees’ cartoon published in The Age 1979 was a response to the growing refugee crisis in South-East Asia, particularly the thousands of Vietnamese refugees who drowned in attempting to flee Vietnam and reach safety (Loescher 2001). In portraying the crisis as a refugee filled hour glass, with refugees drowning with the passage of time, and government leaders huddled together unable to agree on a course of action, Nicholson captured the inertia of international and domestic refugee policy making in the face of a global humanitarian disaster. He is exposing both the refugee crisis and the inability of political leaders to develop effective humanitarian action. Moreover he suggests that this inaction
compounds the crisis. Nicholson has not represented refugees as boat people. Rather he has the refugees caught in a vortex and being sucked into the water, where they are desperately struggling to survive. It is a dramatic representation which contrasts sharply with the squabbling and inertia of political leaders, and their hostility towards refugees.

Nicholson’s cartoon attempts to capture something of the scale of the refugee crisis in terms of the vast numbers of people who were displaced by events in Indo-China, and also to highlight the unknown number of refugees who have been lost at sea in their attempt to reach safety. Nicholson makes the leaders looking on appear both incompetent and preoccupied with their own domestic policy agendas. His assessment is that their disunity and absence of responsibility effectively allows refugees’ lives to be lost on a vast scale. However the ASEAN countries were united in their opposition to Indo-Chinese, even sharing naval resources to run blockades.

Many western nations did express concern at the plight of the Indo-Chinese refugees, but did not translate that concern into concrete action. As indicated the ASEAN nations had not signed the UN refugee conventions because, Davies (2008) contends, of their belief that to do so would have reduced their bargaining power. The ASEAN nations did participate in the 1979 Comprehensive Plan of Action which was designed to ensure that the international community delivered on their promise of refugee resettlement. The Plan required that the ASEAN nations continue to provide asylum for Indo-Chinese refugees on the condition that countries beyond the region, including Australia, provided ongoing resettlement. Betts (2006) notes that the Plan “resulted in over 1 million Indochinese refugees being given temporary asylum in South East Asia and then resettled in the West” (2006, p. 32). Davies (2008) argues that from 1979 the ASEAN nations would strategically refuse to accept asylum seekers so that international assistance would be forthcoming.
Geoff Hook’s cartoon, ‘Refugee problem’ published in the Sun Herald 27 June 1979 offers a very different interpretation of the politics of Indo-Chinese refugees. Hook accepts Mackellar’s refugee problem discourse and suggests that this ‘problem’ has been dumped on the unwitting door stop of the Fraser government in the dead of night. There is none of Tandberg’s irony, Nicholson’s outrage, Tanner’s policy critique, Lurie’s ethics or Petty’s ideological polemic in relation to Australia and the west’s treatment of Indo-Chinese refugees. For Hook this is a simple case of a problem in need of an immediate policy solution and he uses humour to convey the message that this is a problem that has become Australia’s responsibility. The ‘abandoned child’ is an enduring and powerful symbol, and to portray refugees as a screaming child does give the issue a sense of urgency and suggests that that want it or not, a ‘maternal state’ like Australia must do what the international community expects of her. The screaming child must be silenced and we would hope, accepted into the bosom of good citizen Australia’s home, lest the neighbours complain.

Since incorporating refugee policy into immigration policy in 1977, the Fraser government managed this area with incremental policy shifts, responding as issues and circumstances changed. However two key strategies came to dominate the policy; “internationalisation” and “boat-holding” (Vivani 1984 p. 89). The former involved Australia lobbying
internationally to the UNHCR to conduct “international consultations on the refugee problem” so that more countries would agree to resettling refugees. Australia also lobbied the US, particularly Vice President Mondale, to influence Indonesia to accept Australia’s boat-holding proposal (Viviani 1984, p. 83). Boat-holding, negotiated between Australia and Indonesia, Thailand and Malaysia, was a simple arrangement which meant that the Fraser government would accept more refugees from these countries if they did not “deflect refugees” on to Australia (Gibney 2004, p. 184). Schloenhardt (2003) says this strategy of rejecting on-shore arrivals allowed Australia to control which refugees came to Australia by selecting individual refugees from South-East Asian refugee camps. Both Viviani (1984) and Gibney argue that the “trade-off” worked; Australia settled significant numbers of “quota” refugees, and boat arrivals were reduced (2004, p. 184). The irony of the trade off was that Australia accepted more refugees so that it could control both which refugees came, and the perception that the government was managing refugee entry.129

Viviani argues that an “elite consensus” was a crucial factor in the development of Australia’s refugee policy in order to counter public opposition to Indo-Chinese refugees (1984, p. 114). This involved consultation with refugee groups, ethnic groups, the press and community leaders. As part of the process of managing the range of contested refugee policy interests a Refugee Advisory Committee was established and tasked with advising on the production of “a more understanding and tolerant community attitude towards refugees” (Viviani 1984, p. 103).130 This was necessary because of the limited popular support for refugees. Polls conducted by the Bulletin in 1979, and earlier, showed more than sixty per cent of respondents wanted Australia to take fewer refugees, with twenty five per cent believing Australia should accept no refugees. Viviani (1984) suggests government monitoring of levels of support directly influenced the government’s refugee intake numbers.

Nicholson’s ‘Refugees’ cartoon signalled a crisis over Vietnamese refugees which had peaked and passed a few months after the cartoon was published. Viviani concludes her analysis of “the politics of entry” with three observations; initially “acquiescent” attitudes to the arrival of Indo-Chinese refugees between 1975 – 77 soon shifted and divided the Australian community; changes in attitudes were “triggered” by the arrival of refugees in boats and the

129 Australia agreed to accept 9000 refugees in 1978-79. This target was later increased to 10,500 refugees for 1979-80 (Viviani 1984 p. 84).
130 Membership included James Gobbo, Bob Hawke, RSL president William Keys, the Mayor of Darwin Ella Stack and representatives of refugee groups (Viviani 1984).
“perceived experience of living with Vietnamese;” government apprehension that “majority opinion could become adverse were fulfilled” (1984, p. 109). Finally, Viviani makes two important observations in her assessment of the Whitlam and Fraser governments in their responses to the Indo-Chinese refugees; the first relates to the policy failure which led to boat arrivals; and the second to a failure of leadership in shaping public opinion. She argues that Australia met many of the challenges of responding to Indo-Chinese refugees including “respect for international law, and with a careful balancing of national interest and humanitarian concern, in domestic political circumstances that were ambivalent and on the whole not encouraging” (Vivani 1984 p.108). Moreover Viviani says that Australia’s refugee policy making environment was “fraught with diverse political dangers” (1984, p. 113). Overall her conclusion is that while Australia’s policy performance over the period 1975 – 1977 was initially “conservative… belated, niggardly… and well to the rear of public opinion,” the period 1978 – 1982 was successful in terms of refugee resettlement, controlling boat arrivals, managing relations with ASEAN neighbours and negotiations for orderly departures from Vietnam (Viviani 1984, p. 114). This success Viviani attributes to the policy consensus developed by Immigration Ministers Mackellar and Macphee, and the bipartisan support provided by Opposition Leader Bill Hayden who saw refugee policy as “a national issue, cutting across party lines” (Viviani 1984 p. 114).

With bipartisan support, the Fraser government was able to manage what opposition and resistance to Australia’s Indo-Chinese refugee policy there was. Reflecting on this period, Fraser and Simons note the pressure from Department of Immigration staff, who “opposed a genuine compassionate and humanitarian response” (2010, p. 419). It matters that some of that resistance came from the bureaucracy of the Immigration Department. Fraser thought Departmental staff were “ultra-conservative and reactionary with a strong racist streak” and appeared to have actively canvassed much tougher policy regimes. Fraser and Simon argue that the contemporary refugee policy solutions were available in the 1970s; “There was the term ‘queue jumpers. There was the option of compulsory detention. There was the suggestion that the military be used to intercept the boats and turn them back” (2010, p. 419). Fraser stressed that humanitarian responsibility and the observation of international obligations was the choice his government was willing to make (Fraser & Simons 2010).
The 1981 introduction of the Special Humanitarian Program (SHP) demonstrated that Fraser was prepared to accept refugees whose status was outside Convention definitions (Waxman 2000). Explaining the need for the program Immigration Minister Ian Macphee stated

> It will enable Australia to provide a humanitarian response, outside formal refugee programs, in instances of substantial discrimination or human rights violations against oppressed minorities anywhere in the world by governments irrespective of their political persuasion (1981, p. 3072).

The program was designed to accommodate refugees with links to Australia or family in Australia. Macphee stressed that the government would “naturally expect that those entering under the SHP would contribute to the development of a socially cohesive, multicultural Australia” (1981, p. 3072).

Writing in the mid-1980s Price identified two trends shaping Australia’s engagement with refugees. The first, evident he argued, in the close to 100,000 Indo-Chinese refugees who had been accepted into Australia by 1985, was the increasingly non-discriminatory nature of refugee intakes. Notwithstanding this observation, Price also noted that that Australia’s acceptance of 10,000 Indo-Chinese refugees per year from refugee camps in Malaysia and Indonesia was agreed to so that Australia could control the selection process and determine which refugees came to Australia. He also argued that Australia accepted Indo-Chinese refugees “partly from a genuine feeling of responsibility for refugees from within its own geographical region” (1986, p. 84) and that as a consequence, Australia would continue to respond to regional refugees “more quickly and generously” than those further afield. This enthusiasm was tempered by Australia’s preference for repatriation rather than resettlement of refugees (1986, p. 84). Price also suggested that political difficulties and relations with other countries were a significant factor in determining refugee responses, and if contemporaries such as the US, Canada and New Zealand agreed to accept refugees, Australia would be more likely to accept refugees. Alongside the acceptance of refugees, the other trend noted by Price was the significant decline in total immigration numbers from the mid-1970s.

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131 Price (1986) pointed to the arrangements for the acceptance of Melanesian refugees from Irian Jaya and the need to avoid tension with Indonesia.

132 Price notes that the 1971 annual immigration target was 140,000 migrants, but by the mid-1980s this was down to 75,000. Here he points to the differences in Labor and Liberal policy, with Labor opting for a lower annual intake and the Liberals aiming for closer to 100,000 migrants per year (1986, p. 84).
Conclusion

Price argues that by the 1980s Australia was a major country of refugee resettlement and its record regarding the treatment of refugees was sound. As well refugee intakes had become a significant component of total immigration. Writing in 1986 he commented positively on the support provided by the state for refugees, saying,

Facilities for refugees, however, are now much better than in 1949-50. Not only does the government cover passage costs but it provides them with subsidised hostel accommodation, or ensures that voluntary organisations willing to help are providing subsidised accommodation. It also gives them six months or so on social security benefits (equivalent to normal unemployment benefits) so that they can spend that time in attending government financed English and orientation classes and generally fitting themselves for life in Australia (1986 p. 85).

Price makes the important observation that “the great majority [of refugees] become Australian citizens, more so than many other groups of immigrants” (1986 p. 86). In many ways Price’s findings both confirm and contradict Whitaker’s analysis of the treatment of post war refugees by the west. Whitaker uses Hobsbawm’s golden age thesis to argue that the period from the 1950s to the mid-1970s might be considered a “golden age of refugee resettlement” (1998, p. 413). Australia’s large post war resettlement of refugees could be considered golden in terms of numbers of refugees resettled, but the treatment of these refugees as indentured labourers could hardly be considered golden. From Price’s account of the services and supports provided to Indo-Chinese refugees, and in terms of the numbers of Indo-Chinese refugees accepted into Australia by the Fraser and Hawke governments, I’d suggest that early to mid-1980s constituted Australia’s rather brief golden age of refugee resettlement. However it is worth noting Richmond’s assessment that “It now seems that a generous policy towards refugees was a cold war luxury, and even then one mainly reserved for Europeans. That is why new policies can be described as global apartheid” (Richmond 1994, p. xv).

Doubtless debates will continue regarding Australia’s policy response to Indo-Chinese refugees in the 1970s and 1980s largely in relation to whether Australia’s performance was generous, and whether or not this period represents a high benchmark in Australia’s

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133 Some 137,000 Indo-Chinese refugees were accepted into Australia which was the “highest number per capita of any Western country” (Robertson in Gibney 2004, p. 166).
engagement with refugees. These debates notwithstanding there are a number of distinct and inter-related policy trends which have emerged across Australia's refugee policy regimes.

The first, evident in relation to Jewish refugees, Displaced Persons and Indo-Chinese refugees, has been a general reluctance to accept refugees into Australia. It is clear Australia has no tradition of putting out a welcome mat for groups of people fleeing persecution and has only accepted refugees when pressured to do so either by the international community or concerned Australian citizens.

The second trend has been the consistent pattern of controlling which refugees come to Australia. Here there has been a very active process of selection based initially on race, and more recently on skills, education and capacity to integrate. Questions of who can come here have been longstanding, and despite international obligations, national interests and racial preferences have been paramount. Moreover the consistent assertion of Australia’s sovereign right to determine who comes here has been a feature of both Liberal and Labor governments.

The third trend has been a readiness to discursively frame refugees negatively. This ranges from claims that refugees are potential bearers of disease and will take the jobs of Australian citizens, through to doubting the genuineness of their refugee status. Unsubstantiated claims that refugees are not fleeing persecution, and are economic rather than political refugees have been consistently used by Australian political leaders. These claims effectively erode the meagre humanitarian sympathies of the nation.

The fourth trend has been the punitive treatment of refugees. It seems that in Australia the provision of refugee status demands a price from refugees. The extraction of a price for refugee status has involved the requirement to work in indentured labour, the denial of citizenship rights and/or the denial of opportunities, services and resources required to rebuild and rehabilitate damaged lives.

The final trend evident has been a pattern of incremental policy change in the development of refugee policy and practice. Refugee policy has changed often in response to domestic politics, international politics and circumstances and the volatile shifts which characterise
refugee populations and circumstances. This has not resulted in policy flexibility, but in more rigid bureaucratic control.

The response of most of the political to Australia’s treatment of Indo-Chinese refugees surveyed here was to consistently push a pro-refugee message. The cartoonist’s sympathies lay with the refugees and their predicament and the focus of their work ranged from awareness raising and highlighting the plight of refugees through to serious political critique of refugee politics and policy. Tanner’s 1975 ironic boat people cartoon was a stark representation of the challenge confronting refugees and as the work of other cartoonists so powerfully demonstrates, neither moral, legal or political arguments could sway the west to willingly accept initially Vietnamese and then later Laotian and Kampuchean refugees. The story revealed in these cartoons is the story of the rejection and exclusion of Indo-Chinese refugees by Australia and other western nations, and by near neighbours in South East Asia.

The cartoons provide both a historical record of Indo-Chinese refugee politics, and a visual account of the moral and political issues associated with Australia’s involvement in this refugee episode. The cartoons allow us to see and become witness to the controversy which the acceptance of Indo-Chinese refugees became in Australia and elsewhere; a controversy which drew deeply on Australia’s “anxious nation” fears (Walker 1999).
In the early 1980s Australia replaced the Coalition government of Malcolm Fraser with the Labor Government of Bob Hawke. Hawke and his Treasurer Paul Keating oversaw a deep and sustained transformation of the Australian economy throughout the 1980s and into the 1990s. The economic transformation of Australia engaged the nation with global markets and removed the protective mechanisms from both industry and industrial relations which had operated since Federation. Neoliberal thinking ushered in policy changes designed to open the Australian economy to globalisation and international competition. Making the nation competitive wrought many economic, political and cultural changes and as this chapter will show, these changes generated new domestic debates and tensions about national identity and belonging. Race was central to these debates and throughout the 1980s Australia witnessed the rise of a new politics of race focused particularly on aspects of refugee and immigration policy.

Over the decade 1975 - 1985 Australia accepted somewhere between 95,000 and 100,000 Indo-Chinese refugees (Price 1986; York 2003). Price (1986) suggests that three-quarters of the refugees were from Vietnam, a third of whom were Chinese. The final 25,000 refugees were from Laos and Cambodia. The settlement of Indo-Chinese people challenged older hegemonic norms about race for the white “anxious nation” (Walker 1999). The refugee program was justified by a mix of Cold War strategy, humanitarianism, international obligation, regional appeasement and a newly imagined Australia positioned as part of Asia.

Cutting across the refugee program was an increasingly contested understanding, as the growing refugee policy machinery sought to control and exclude those deemed unsuitable for integration and resettlement into Australia. Notwithstanding the recent ‘death’ of White Australia and discourses of non-discrimination, the Department of Immigration nonetheless adopted practices of racial exclusion in response to community opposition to Indo-Chinese refugees. The arrival of Indo-Chinese refugees in boats both threatened and challenged the precarious policy arrangements which assumed that population composition could be controlled.

134 Over this time Australia also accepted refugees from East Timor, Chile, Sri Lanka, Poland, and El Salvador (York 2003).
Unauthorised boat arrivals first began in 1976 and with them came a growing wave of panic as the nation saw how readily borders could be breached by Asian people from the north. However while ‘boat arrivals’ virtually ceased over the period 1980-88 (Phillips 2014) debates about Asian migration re-emerged in Australian political debate. As had happened a century earlier in relation to the Chinese and Japanese, in 1980s Australia a discursive politics of race occupied much of the space of public debate.

**Relations with Asia**

New Foreign Minister Bill Hayden was both pushing political boundaries, and challenging representations of Australia’s place and status in the region. It was in this spirit that he pursued Hawke’s idea of a Vietnamese peace settlement, which *The Age* described as “a mission of hope” (Editorial, *The Age* 1983). While Hayden was keen to foster Australian relations with Asia he offended the ASEAN countries (as well as the US) with Australia’s decision to resume its development aid to Vietnam (Richardson 1983c). The Fraser government had withdrawn aid to Vietnam when Vietnam invaded Kampuchea. Hayden was keen for its reinstatement as part of the peace settlement with Vietnam. The *Sydney Morning Herald* editorial praised Hayden’s initiatives stating “Mr. Hayden appreciates the future dilemmas posed by living with our neighbours. He is one of the few Australian politicians to speak of them without nervous, backward glances towards Washington” (Editorial, *Sydney Morning Herald* 6 July 1983).

Refugee resettlement was regularly on the agenda of Hayden’s meetings with ASEAN countries (Richardson 1983; Jenkins 1988), particularly Vietnamese refugees considered to be leaving Vietnam for economic reasons. Speaking of refugees from Vietnam, Poland and Hungary, Hayden claimed that “in many of these three cases it is indisputable that they are not refugees within the description of what a refugee is but rather people fleeing an economic system they don’t like” (cited in Daniels 1988, p. 13). According to Daniels “this created a problem for the Australian immigration program because it resulted in queue-

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135 There were no boat arrivals in 1980, 30 refugees arrived by boat in 1981, and then between 1982-88 there were no boat arrivals (Phillips 2014).

136 The seven point peace settlement required that Vietnam “accept an accommodation with its neighbours, a phased withdrawal of troops from Kampuchea, self-determination for the Kampuchean people, creation of the conditions for the peaceful return of displaced Kampucheans, broad acceptance that Kampuchean be neutral, independent, and non-aligned, and the restoration of normal relations between Vietnam, China, ASEAN and the west” (Richardson 1983b, p. 6).
jumping which caused resentment in Australia…” (1988, p. 13).

As a member of the Centre–left faction Hayden had some years earlier urged a globally coordinated response on refugees and suggested that a Labor government would increase Australia’s refugee intake. Hayden’s advocacy was countered somewhat by Hawke’s statement when he was leader of the ACTU that “refugees who landed on Australia’s doorstep should be returned” (‘Some refugees deterred – PM’, Sydney Morning Herald, 29 November 1977, p. 11). As indicated earlier, Australia’s acceptance of more refugees was part of a strategic process designed to control the number of unauthorised boats landing on Australian shores. This trade-off had the effect of increasing the number of Asian migrants overall and incrementally increasing the presence and visibility of Asian people. Asian migration, particularly from Indo-Chinese refugees and their spouses and children was pushing the boundaries of Australia’s new regimes of racial tolerance and anti-discrimination.

Stuart West, the first of six immigration ministers in the Hawke-Keating government (1983-96), announced that the ALP election policy platform, and subsequent new government program, would include a commitment to multiculturalism, refugees and family reunion, and the removal of discriminatory provisions from migration legislation. The announcement of these proposals coincided with budget cuts and rising unemployment. West described the difficult task of making a choice between family reunions and jobs, and negotiating a course between the demands of “ethnic communities and trade unions both which represent Australian workers and their families” (cited McGregor 1983, p. 6). West pointed to the conflicting assumptions and resulting tensions underlying Australian migration by stating that “there are two schools of thought that migration can be an economic stimulus in its own right or it can be a drag in regard to employment” (cited McGregor 1983, p. 6).

While West’s initial response to these circumstances involved cuts to the migration program, there were increases to both the refugee program (20,000) and to the family reunion program (57,000) (West 1983). Included in the new policy was the acceptance of refugees from El Salvador, Chile, Lebanon, East Timor, the Middle East, and Sri Lanka. Explaining the expanded program, West argued “we must live up to our obligations to refugees and to

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people who are already permanent residents to continue with the family migration program” (cited in McGregor 1983, p. 6). Concerns regarding the ongoing Indo-Chinese refugee crisis\textsuperscript{138} saw the new government re-affirm its commitment to refugee resettlement and the introduction of the requirement that refugees “demonstrate, on an individual basis, claims to refugee status as a prerequisite to admission under the Australian program” (Button, 1983, p. 3358). Leader of the government in the Senate, John Button explained the need for this procedure in the following way; “We believe this to be an important element in deterring non-refugee outflows and in convincing Australians that the refugee program is not being abused” (Button 1983, p. 3358). The need to convince the Australian electorate of the soundness of the refugee program with the introduction of deterrence measures and rigorous refugee claims assessment heralded a new direction in refugee politics.

\begin{figure}
\centering
\includegraphics[width=\textwidth]{hook CARTOON.png}
\caption{‘Yoo-hoo! I’m Home!’}
\end{figure}

Geoff Hook’s cartoon ‘Yoo-hoo! I’m Home!’ published in The Sun newspaper 7 July 1983 reflected the nation’s great and longstanding fear of Asian invasion. For Hook the irony was that the ‘invasion’ was being led by the Labor government of Bob Hawke. Hook has Minister

\textsuperscript{138} Button noted that in “October 1983 there were 174,000 persons in UNHCR camps or Regional Processing Centres in the region. Of these nearly 46,000 are boat people” (1983, p. 3358).
for Foreign Affairs, Bill Hayden returning to Australia after a trip to Vietnam and Laos, being followed by a large influx of Indo-Chinese people (Richardson 1983a). Hawke had replaced Hayden as Labor leader in July 1982 and there was some concern about how the relationship between the new and former ALP leaders would develop. Hayden had been deeply disappointed at losing the leadership and had opted for the foreign policy ministry. While he successfully delivered on Hawke’s foreign policy agendas in East Timor and Indo-China, there was none-the-less a deal of opposition within the Cabinet (Oakes 1983). Complicating the relationship further, Hawke was pro-US and a keen ANZUS supporter, while Hayden, was keen to broaden Australia’s foreign policy relations, particularly in South-East Asia.

Hayden travelled extensively as Foreign Minister, developing a reputation for being “Australia’s most travelled Foreign Minister in recent times” (Davis, 1984, p. 4) and he was responsible for shifting the primary direction of Australian foreign policy towards Asia. During an earlier speech Hayden had articulated his vision for Australia with a projected Eurasian population of 50 million (Smark 1983). Pointing somewhat provocatively to the significance of Asia for Australia’s future development, Hayden noted on his return from Vietnam and Laos that Asia would become more important for Australia’s stability and security than the ANZUS alliance. He said

I would see over time our role in this region in which we live becoming even more important than our alliance relationship because the developments here and throughout Asia are going to pretty much determine the course of events in Australia – important events anyway. How we respond to them, how we contribute to them and integrate ourselves in developments in the Asian region… will determine in turn how Australia fares in the future (cited in Richardson 1983a, p. 3).

The shift in foreign policy direction undertaken by the Hawke government, coupled with its increase in refugee numbers and accompanying family reunion growth, were significant public policy changes. Under the ALP Government, Australia was developing both stronger relations with Asia, and increasing the settlement of Asian people. These developments were the catalyst for a new and lasting racial politics that persists into our time.

The Blainey Affair and the Immigration Debate

The response to the Hawke government’s immigration and refugee policy reforms was both swift and unanticipated. Geoffrey Blainey, Melbourne University Scott Professor of History,
was a seemingly unlikely protagonist to initiate and lead the 1980s race debate. At the time Blainey seemed an unlikely champion of anti-Asian migration and new race politics. As revered keeper of Australian history, he was at the time, reputed to be the most widely read Australian historian (Ling 2004). Moreover Blainey was chair of the Australia Council and of the Australia-China Council139 (Ling 2004). Blainey was no crude fish-and-chip-shop populist and he was well connected to the elites: he was a member of Melbourne’s establishment club, the Melbourne Club.

Blainey would become an influential policy actor and switchman whose divisive policy claims still echo in discursive refugee struggles. His claim, that popular opinion should drive policy making in relation to which groups of people should be allowed to come to Australia was first articulated at the 1983 National Press Club. Here Historian Blainey provided John Howard with his populist, racial mantra when he stated; “We should continue to welcome a variety of Asian immigrants, but they should come on our terms, through our choosing, and in numbers with which our society can cope” (Blainey 1984a p. 25). In the following year Blainey used a range of forums, beginning with a large Rotary Club conference in Warrnambool, and subsequently ranging across articles in all of the major newspapers (including The Age, Sydney Morning Herald, the West Australian, the Australian, the Canberra Times, the Courier-Mail, the Advertiser, the Sun and Melbourne Herald)140 and later in his book, All for Australia, to carefully roll out his case against Asian migration. He argued that “…in the past 30 years the Government has moved from the extreme of wanting a white Australia to the extreme of saying that we will have an Asian Australia and the quicker we move towards it the better” (Blainey 1984, p. 10).

Blainey claimed he supported multiculturalism, which he called “one way of preaching tolerance” (1984a, p. 21) and Asian migration more broadly, but he considered that the rate of Asian migration was too rapid given Australia’s high rates of unemployment, particularly “in the suburbs where Asians are likely to settle” (1984, p. 10). Without evidence to substantiate any of his claims Blainey argued patronisingly in class terms that

…the poorer people in the cities are the real sufferers and see themselves as such, in the face of Asian migration. They are generally the least educated section

139 Blainey was appointed by the Fraser government to the committee in 1979. He regularly travelled to China with Steven Fitzgerald (Blainey 1984a).
140 As well as the articles from Blainey, Markus and Rickless (1985) compiled a list of all of the media coverage, including editorials, reports and letters which were generated over the period 19 March – 30 September 1984.
of society and rightly or wrongly are more wary of large scale Asian immigration (1984, p. 10).

Blainey advocated the promotion of mono-culturalism and shared Australian values which grew out of his concerns regarding if, and how well, non-Europeans could manage the transition to the political, economic, social and cultural patterns and practices of Australian life. Here Blainey made his contribution to the well-developed racist argument that democratic traditions, social harmony and homogeneity (Griffiths 2006) would be undermined by people from different and inferior cultures. Blainey fuelled the myth of social cohesion, which was later to be embraced by John Howard, when he stated

…most of the vital characteristics of Australia – democratic government, freedom of speech, freedom to worship – are not common in Asia or the Third World. If immigration from the Third World is too rapid, it might well impose pressures on democratic institutions (1984a, p. 154).

Blainey’s concern regarding Australia’s overly generous acceptance of Indo-Chinese refugees, was based, he said, on a mix of guilt, lobbying and multicultural idealism. Moreover, he suggested that Australia’s refugee program

…favoured Asians, for we brought refugees from Indo-China rather than other regions in the troubled world. That many refugees were not really refugees was simply one of the risks of any humanitarian or supposedly humanitarian program (1984a, p. 107).

Manne argues that Blainey failed to acknowledge the role of international pressure and Australian “honour” in refugee policy (1985 p. 19). Criticizing the Hawke government decision to follow UNHCR refugee priorities, Blainey argued that Australia was under no obligation to accept these priorities. Rather he argued existing Australian refugee policy should continue to guide policy stating; “It is fundamental to Australian sovereignty that the Australian government alone should determine who will be admitted to Australia” (Blainey 1984a, p. 84).141 Blainey’s critique of refugee policy challenged the legitimacy of the UNHCR and emphasised Australian sovereignty in refugee selection process.

Central to Blainey’s argument regarding immigration policy was that it was not developed with popular support but was the creature of particularly Labor government policy reform. While Blainey failed to produce evidence to substantiate his claims, Goot (1985) has demonstrated how Blainey used and politicised polled public opinion, making it an

141 Blainey’s source was the 1982 Migrant Entry Handbook (Jupp and Kabala 1993).
indispensable and ubiquitous feature of political campaigning. Goot argues that while polling by the press, political parties and pressure group had grown since the early 1970s, it was Blainey’s tactical use of opinion polls which enabled him to set the terms of the immigration debate. Blainey’s argument was that Australians did not support Asian migration.

However Goot suggests that “majority support for most aspects of migration policy in the post-war period has been the exception rather than the rule” (1985, p. 53). Markus supports this view with his observation that “Immigration policy of its nature often runs against majority opinion” (cited in Jupp & Kabala 1993, p. 80). Goot challenged Blainey’s claims regarding popular opinion demonstrating that the polls prior to the launch of Blainey’s campaign showed “a robustness of opinion on Asian migration” with the mid-1970s the high water mark of support (Goot 1985, p. 53). In Goot’s view there was a shift in opinion which “came after Blainey not before” (1985, p. 53). Significantly Goot says “Not only did the [immigration] debate seem to have moved opinion a little further away from the current immigration policy, it also had - and more importantly - helped to focus opinion and to organise it” (1985, p. 53).

Blainey’s final concern was with what he called the subterfuge and deception of the Fraser and Hawke governments, and the Department of Immigration in what he called a discriminatory selection of migrants and refugees (1984a). Blainey pointed to the existence of Department of Immigration secret documents and secret rooms which were designed to increase levels of Asian immigration (Editorial, Sydney Morning Herald, 5 Oct 1984, p. 8). Blainey claimed in his polemic All for Australia that,

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...inside the room are devised plans that run counter to the immigration principles announced to parliament. A secret policy document is written out, informing immigration officers in a certain country that they are at liberty to manipulate secretly the scoreboard in order to achieve the desired result (1984a, p.101).
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Blainey’s claims were fanciful and ill-informed and as Joppke explains, “This was conspiracy reasoning for which no evidence existed” (2003, p. 11). Blainey’s critique did point to operational issues within Department of Immigration, although not quite as he had imagined. Prior to 1989 the Minister had “unlimited powers to decide on entry and had virtually unfettered powers to decide… who could stay or be removed” (Cronin, 1993, p. 98). In 1985, a year after Blainey raised the matter, Cronin says the Department of Immigration had ten manuals “some of them over three hundred pages long with approximately four hundred
instructions, which provided guidelines for decision making for departmental officers” (1993, p. 98). During this time it appears that the Department was burdened less by secrecy and more by judicial intervention throughout the 1980s, due largely to these complex guidelines. If anything rather than secret documents and secret rooms, the Immigration Department suffered from a lack of clarity and prescription which by 1989 had been set in concrete by legally binding regulations (Cronin 1993).

‘Asian Take Aways’

Peter Nicholson, The Age, 20 March 1984

Blainey and the Cartoonists

Peter Nicholson’s ‘Asian Take Aways’ cartoon was published in The Age 1984 in response to Blainey’s claims regarding Asian immigration, lowering refugee intake, his criticism of multiculturalism and his recommendation to “slow the pace of Asian migration” (Blainey 1984, p. 10). Nicholson’s cartoon has an Australian man ordering food from the Purple Dragon Asian food store. The servility captured in the cartoon was a representation of the assumed inferiority of Asian people in Australia; managing take away food and providing
westernised versions of traditional dishes suited to Australian palates.

In his use of this representation, Nicholson captures the relationship between the dominant white culture and Asian people. Situating the cartoon in the ubiquitous Chinese take away was an insightful way to demonstrate how despite being widespread and almost everywhere, Asians do not yet belong in this country. Here was the tension for Asian people; it was fine to be visible in the take away food store, but visibility in national culture, and suburbs and workplaces unsettled the racial status quo. Jupp observed that “what Australians were not used to was large concentrations of Asians, especially in the outer suburbs” (2002, p. 36). The take away has come to symbolize multicultural tolerance as “static cultural fixity and exoticised diversity” (Chan 2000, p. 143). There is little meaningful engagement with and inclusion of the Asian other so that being Asian is simply a cultural curiosity, and another preference to choose from in a commodified world. As Lo explains

> Australians from the various ethnic groups from Asia occupy a precarious position within the national imaginary. Whilst their ethnicity is generally accepted as part of Australian culture, their collective status is often racialised as other… (2000, p. 159).

Nicholson’s reference to “one large consensus” is both an acknowledgement of the Hawke government’s consensus policy making approach, and a reflection of Blainey’s claims that ordinary Australians had not been consulted on increasing levels of Asian immigration and the policy of multiculturalism. Nicholson’s “six economic spring miracles but only if you’ve got the full employment sauce” was a reference to Blainey’s concern over the loss of jobs which would result from continued Asian migration. Blainey’s concerns were with the rapid growth of Asian migration, what he regarded as the preferential treatment of people from Asia in comparison to other groups, and the lack of popular support for the direction of immigration policy. Blainey stated

> The pace of Asian immigration to Australia is now well ahead of public opinion. Rarely in the history of the modern world has a nation given such preference to a tiny ethnic minority of its population as the Australian Government has done in the past few years, making that minority the favourite majority in its immigration policy (Blainey 1994).

Blainey used ‘ordinary’ Australians as his principal reference point. Without either consultation or evidence, Blainey claimed they were uncomfortable with the demographic transformation of Australia taking place as a result of the influx of Indo-Chinese refugees. His cynical observation “nobody in the years of the ‘boat people’ mentioned the relatives”
(1984a, p. 13-14), along with his claim that Indo-Chinese people had increased as a proportion of the immigration program were correct.

Under the Hawke government the family reunion policies of the Fraser government were extended and refugee numbers had increased from an annual intake of 16,000 in 1982-83 to 20,000 in 1983-84 (Jupp 2002). Laster suggests that in Blainey’s view the Hawke government “was following a policy which was too far ahead of public opinion” in relation to immigration (1984, p. 308). Tavan (2004) made a similar claim regarding the demise of White Australia. The immigration program had also diversified to include refugees from the increasingly right wing countries of Central and South America but Blainey made no reference to these groups in his concern for reductions in the numbers of British and European migrants coming to Australia (McGregor 1983a).

Blainey suggested that Australia’s guilt over the Vietnam war, noted in Nicholson’s “one large fried Vietnam-war salved conscience,” was a key driver of Australia’s Asian migration program, and was the explanation for Australia’s acceptance of Indo-Chinese refugees. For Blainey the greater responsibility of other nations in relation to the Vietnam war meant that they should have taken more refugees. Nicholson’s cartoon also captures the commodification aspects of Australian immigration which Blainey had taken to a new level with his observation regarding refugees; “After all if we paid $1,000 to each of these refugees to go to a place further away it may be more beneficial” (cited in Collits 1984, p. 387).

The inter-relationship between Australia’s acceptance of Indo-Chinese refugees, and the expanded family union program meant that there was a proportional increase in the intake of people from Asia, as former refugees sponsored their kin (Kelly 1992). In addition to wanting to reduce family migration, Kelly says Blainey wanted “fewer refugees and more genuine refugees” (1992, p. 126). Blainey also claimed the failure to appreciate how geographically unsuitable much of the Australian landscape was for human settlement meant that there were unrealistic expectations about Australia’s capacity to accommodate both refugees and increased Asian migration. He stated “The fact that we are one of the world’s

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142 The migration program expanded the refugee and family reunion components to a total intake of between 90,000 and 95,000 in 1983-94 but reduced these over the following three years to between 80,000 and 90,000 migrants (McGregor 1983a).

143 This statement from Blainey was reported in The Age (19 March 1984) as part of the initial report of his Rotary Club speech (17 March 1984). In All for Australia Blainey denies making the statement and attributes it to “human error” (Blainey 1984a, p. 32).
seven biggest lands does not give us a supernatural obligation to take in a disproportionate number of refugees” (1984, p. 10).

Blainey saw himself as a policy actor attempting to shift the direction of immigration policy and admitted as much with this statement;

I also opened the way for a sympathetic official response by explaining that a cautious immigration policy would be in keeping with the platform of a government elected ‘deservedly’ with the aim of bringing Australia together again (1984a, p. 32).

So it was therefore extraordinary that Blainey would claim that “this immigration controversy” developed “almost unintentionally” (Blainey 1984a, preface). He also stated “I can see now that my views on immigration were slowly changing without my realising what was happening” (1984a, p. 21). Both Preston (1984) and Ling (2004) suggest that 1984 was not the first time that Blainey aired his views. Preston says that Blainey had raised concerns about Australia’s immigration at the National Press Club in 1983. Ling says that Blainey’s opposition to multiculturalism was discussed in his 1982 ABC television series, The Blainey View. Here Blainey had identified his “first public doubts” (1984a, p. 22): “In the gold era Australians had also experienced what was called a multicultural society. Their experience convinced them that such a society didn’t work and at the time it clearly didn’t work” (cited in Ling 2004, p. 37, Blainey 1984a, p. 22). Kelly (1994) argues that Blainey the historian was drawing a parallel between the 1880s Lambing Flat anti-Chinese riots when 3 per cent of the population were Asian, with Australia in the 1980s when 2 per cent of the population were from Asia.

Laster gets to the nub of the legitimacy issue in relation to the tension between Blainey the historian and Blainey the public commentator with her observation that;

What is worrying about Blainey’s outspokenness is that his views gain much public legitimacy from his role as a historian, yet the assumptions which underlie his use of history are as questionable as the views which they lead him to espouse (1984, p. 311).

The Blainey “war against Asian immigration” (Ling 2004, p. 37) may have begun unintentionally (Manne 1985), but was crafted into a very co-ordinated campaign that was to have important and far reaching consequences. Markus argues that Blainey was part of “…a right-wing mobilisation to overturn the Whitlam-Fraser consensus and shift the national
political agenda towards the right” (1994, p. 217). Blainey was to be the switchman for racial politics in Australia in the 1980s and his influence on racial issues did not end there.

Kelly explains that Blainey “ignited a fuse that would burn with spasmodic fury during the 1980s” (1994, p. 124). Blainey was to become a beacon on race similar to that other former university professor, Enoch Powell. Goot argues Blainey helped to create, and “did so much to sustain” the debate over Asian immigration (1985 p. 49). In the short term Blainey’s campaign failed to gain substantive policy traction because the Liberal opposition avoided making immigration an issue in the 1984 election. But by 1988 under John Howard’s leadership, immigration was high on the agenda.

Over the longer term Blainey’s racial agenda was endorsed by John Howard twice; firstly in relation to immigration and multiculturalism; and secondly in relation to Indigenous history and policy (Fraser & Simons, 2010). Moreover it was no accident that Blainey was responsible for launching both a race war and a culture war in this country. Blainey’s final coup was to give future prime minister John Howard the language and license to “break that sacred taboo” (1984a, p. 35) that both men assumed race and immigration had become in Australia.

McKenna (1997) too supports the position that Blainey was a key influence for Howard with the following observation;

By the late 1980’s, there was already a degree of similarity between the rhetoric in Geoffrey Blainey’s public speeches and that in John Howard’s political statements. Blainey’s views on multiculturalism, immigration and history enunciated in the early 1980s bore a striking resemblance to Howard’s 1988 initiative Future Directions (McKenna, 1997).

For a short time Blainey was regarded by conservatives as a martyr to free speech because he “touched an untouchable subject” in his criticism of Asian immigration (Duncan 1984, p. 25). Blainey himself stated “many Australians who dislike their immigration policy are nervous of publicly criticising it for fear of being labelled racist” (1984a, p. 46). Fraser and Simons suggest that “the Blainey debate… was about more than Blainey; it was about what was sayable, and who was allowed to speak” (2010, p. 626). Blainey’s immigration debate laid

144 British conservative politician Enoch Powell was at the young age of twenty-six Professor of Greek at the University of Sydney 1937-1939. He returned to Australia in the 1970s (to debate immigration with then Minister Al Grassby) and again in 1988 to speak on immigration.
the groundwork for John Howard’s future vision of a “relaxed and comfortable” Australia. In response to a question, regarding his vision for 2000 from interviewer Liz Jackson on ABC’s Four Corners program during the 1996 election campaign, John Howard replied that he would like to see

…an Australian nation that feels comfortable and relaxed about three things: I would like to see them comfortable and relaxed about their history; I would like to see them comfortable and relaxed about the present and I’d also like to see them comfortable and relaxed about the future (Four Corners 19 February, 1996).

The Liberal Party slogan for the 1996 election campaign was a promise to govern “For All of Us” (Brett 2005) and it was an early marker of Howard’s strategy of growing populism in relation to national identity, citizenship and belonging. In that election Howard eschewed Keating’s grand vision for reform and instead opted for popular appeal on race. It was a formula which was to serve him well and contribute to making him Australia’s second longest serving prime minister.

**Blainey and the Rise of Racism**

Chair of the Australian Human Rights Commission Roma Mitchell noted the “the rise of racism” in the period after Blainey’s first speech (Goot, 1985 p. 55). In her opinion piece opposing the Human Rights Commission proposals for race hatred legislation Michelle Grattan noted that “racial prejudice had burst dramatically out of the closet” since Blainey’s speech (Grattan 1984a, p. 13). In raising the issue of Asian migration Blainey received and generated extensive media coverage.

Blainey’s campaign was effective dog whistling insofar as he insisted while he was not racist, he successfully politicised an anti-Asian immigration message. Moreover Blainey taught John Howard how to dog whistle. Blainey demonstrated how the concept of public opinion, as both “how people act towards each other” and “what public opinion polls measure” (Goot 1985, p. 60) could be managed and manipulated to suit political claims. Though Blainey’s anti-Asian case failed in the 1980s to change intake policy, his strategy provided Howard with both the groundwork and a model which demonstrated the power of racial dog whistling. It would become the central weapon in John Howard’s future war against refugees. For his efforts, Blainey was well rewarded and revered by conservatives.
Blainey’s views confirmed Ang’s thesis regarding Australian “cultural anxiety” about race (2003, p. 52). Ang points to a historical continuity in Australian racial attitudes and says “while the legal and formal-political structures of the White Australia policy are no longer in place, the mentality it nurtured is still part of the deep structure of Australian culture” (2003, p. 52). Ang suggests that this is not a wish to return to White Australia, although there may well be those who are “nostalgic for it” (2003, p. 53). Rather she points to a “fortress Australia” mentality which is “the desire to maintain a closely guarded boundary around Australia as a separate nation-state” (2003, p. 53). Ang argues that this means Australians are not only anxious about race, “but in a more complex and profound way about space: the space or territory of Australia as a nation” (2003, p. 53). Blainey spoke of Australia being “prisoners of our map as well as our past” (1984, p. 10).

For Ang Australian identity is fundamentally fraught with the tension generated between “a white, European identity” and an “Asian, non-European location” (2003, p. 57). It is from this tension and its associated invasion fears that Australian racial anxiety and spatial anxiety stem. Ang quotes Walker’s observation that “For well over a century, Australians have had “Asia” on their mind, nervously aware that their “title deed” to the last continent available for mass migration was not impregnable” (cited in Ang 2003, p. 57). Moreover Ang suggests that the “spatial-cultural logic” of racial anxieties provides some explanation for the new racial conservatism which emerged in Australia in the 1990s.

Ang was referring to the racial conservatism of Pauline Hanson and John Howard. However I want to suggest that it was Blainey who was the vanguard of the panic and crisis (Collits 1984) associated with Asian immigration and multiculturalism. The 1980s race politics generated by Blainey were the foundation upon which harsh refugee policies could be developed in late 20th and early 21st century Australia. By creating the space for race politics which focused on who was suitable to come to Australia, Blainey challenged bipartisan opposition to White Australia.
Les Tanner’s cartoon, ‘Historians – they all look alike to me’ was published in The Age shortly after Blainey made his various contributions to the immigration debate. Tanner’s sophisticated Asian men and their reference to historian Blainey capture with exquisite simplicity the latent racism of Blainey’s claims. The Blainey discourse was focused on Asians and their suitability for resettlement in Australia as part of an argument about national identity. This approach was effectively “othering” people from Asia and as McMaster notes, “there is no people that calls itself ‘Asian’” (2001, p. 3).

The observation is drawn from Edward Said’s Orientalism and McMaster argues that “the term ‘Asian’ is contentious…it is an Orientalist and racist construction” (2001, p. 3). That Tanner has the two men saying “they all look alike to me” is a deeply ironic twist on the hegemonic positioning of people from Asia all looking the same. The tension created in Tanner’s cartoon is between Blainey’s claims that Asian migrants undermine Australia’s
settled patterns of social cohesion, and the fact that Asian migrants have settled and integrated into Australian society. Tanner deals with this tension by dismissing Blainey’s anticipated racial fracture, and highlighting the adoption and incorporation of normalising practices by Asian migrants. Tanner has achieved this by making his Asian men ‘normal’, so much so that they adopt a laconic humour to ‘other’ Blainey. This enables the reader to establish a distance from Blainey and those who rallied around his views, by representing Blainey as the out-dated voice of old, conservative Australia. Tanner’s Asian men are the face of modern, urban Australia.

Tanner’s cartoon was part of a wave of criticism directed at Blainey and his racist views. Blainey generated extensive commentary and debate from both sides of politics because “this was the first time in decades that views like these had been advanced in public by a reputable person” (Fraser & Simons 2010, p. 626). Blainey’s defense came from predictable quarters. Keith Windshuttle claimed

Blainey’s concerns were egalitarian. He sympathised with those working-class Australians who, at a time of high unemployment, were seeing record numbers of Asian immigrants competing with them on the job market, and who, without having any say in the matter, were finding the visual and cultural environment of their suburbs rapidly transformed (2008, p. 32).

**Government Responses to Blainey**

The government responded swiftly to Blainey’s interventions. In the first instance Immigration Minister Stuart West publically rejected Blainey’s thesis in the parliament with a Ministerial Statement on Immigration, in which he declared “This Government does not accept criticism regarding Asianisation of our migration or refugee programs” (West 1984a, p. 640). West also defended the other plank in the Blainey critique, stating “Australia is a multicultural society, and… migrants are free to retain cultural links with their home countries while benefiting from their rights to government services and programs in Australia, without discrimination” (1984a, p. 640).

The Ministerial Statement responded explicitly to Blainey’s claims with West stating that the immigration program was not discriminating against British and European groups. West railed against this claim and its racial politics by stating;

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145 An edited extract of West’s Ministerial Statement was reproduced in *The Age* on 20 March 1984.
…there is one charge levelled by a prejudiced minority and supported by the Opposition which I should now completely repudiate; that is, that this Government is discriminating against Europeans and citizens of the United Kingdom. Further, some groups in Australia assert that we are downgrading European migration in favour of Asians. Here I must question the honesty of these charges and assertions which talk about migration in unacceptably racial terms… There is no discrimination evident in any part or aspect of Australia’s immigration program. The Government has assiduously worked to ensure that there is no discrimination on the basis of race, sex or religious persuasions… To allege that this is discrimination is a vicious, destructive and irresponsible misrepresentation of what this Government and its predecessor have done (West 1984a, p. 640).

West (1984a) noted that the increase in Asian migration, as a percentage of the total migration program, could be attributed to the increase in family reunions, an increased refugee intake and a decline in sponsorship of European and British family members. He argued that Australia had responded appropriately to the needs of Indo-Chinese refugees initially through the resettlement of refugees from refugee camps, and later through the development of voluntary repatriation to countries of origin and orderly departure programs.146 Moreover while West reiterated Australia’s commitment to refugees in the interests of humanitarianism and regional stability, he advised that the “Government is moderately reducing the Indo-Chinese refugee intake from the camps in ASEAN countries whilst increasing direct family reunion from Vietnam and continually searching for alternatives to resettlement” (West 1984a, p. 640).

West explained that the increased family reunion numbers from Vietnam were the “alternative to illegal departures” (1984a, p. 640) and were part of the global refugee approach advocated by the UNHCR. While the Ministerial Statement does provide a very clear overview of the government’s immigration and refugee policy direction, it was a very public urging to the Liberal Opposition to reject “anti-Asian racism within Australia” (West 1984a, p. 640). West stated

We must ask ourselves whether it is responsible to conduct the immigration debate using arguments about how many people from particular racial groups should settle in Australia in any one program year. This is language calculated to divide the community and I and the Government reject it (1984a, p. 640).

In their biography of John Howard, Errington and Van Onselen claim that there was “widespread support for the Blainey position” in the Liberal shadow cabinet. However

146 More than 600 refugees had been voluntarily returned to Laos during 1983 (West 1984a).
within the leadership of the party they suggest there varying degrees of support with Opposition Leader Andrew Peacock\(^{147}\) “flirting” with the argument for a better balance between European and Asian migration and Deputy Leader Howard agreeing with Blainey’s views on Asian immigration (2008 p. 112). Kelly says Howard “respected Blainey and believed that he was making legitimate points” (1994, p. 131). Kelly also quotes Peacock as saying “Blainey’s a good bloke and he’s onto a big issue here” (1992, p. 132). The response from Liberal Shadow Minister for Immigration, Michael Hodgman to West’s Ministerial Statement was indicative of the Liberal party view of Asian immigration and the racism framing Australia’s immigration debate;

> What he will do is create a legacy for this country which, in the opinion of myself, the majority of members on this side of the chamber and the majority of Australians, will not create the sort of Australia we would like to see to the end of this century and into the twenty-first century. I appeal to the Minister before he goes too far down that track to talk to the people of Australia. I ask that the Minister talk to the people about what sort of Australia they want to see before he changes its face so that in 50 year’s time it is unrecognisable (1984, p. 644).

The Liberal party was suddenly stepping out of the shadow of Fraser’s support for multiculturalism, acceptance of Indo-Chinese refugees and establishment of the Special Humanitarian Program and into a new racial politics. Not only were the Liberal party’s immigration and refugee policies under threat, but more fundamental changes to what it meant to be Liberal were afoot.
Political Responses to Blainey

Geoff Pryor’s ‘Racism’ cartoon, published in the Canberra Times, captured how the immigration debate was played out in the Australian parliament. For months after West’s Ministerial statement immigration policy continued to dog both the government and the opposition. It was given full air time with the repeal of the Aliens Act, which applied to non-British subjects. Pryor’s cartoon has Prime Minister Bob Hawke stating to Opposition Leader Andrew Peacock “let’s leave for the moment the question of who let it out…the important thing is to get it back in before somebody gets killed” which was an apt summary of Hawke’s speech to the House. Calling for an end to the racism and prejudice associated with immigration and refugee policy debates Hawke reflected on his own perspective initially, attributing Australia’s greatness to “… our readiness to open up our land to those who

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148 Geoff Pryor grew up in Canberra, and his grandfather was a cartoonist with an extensive collection of Bulletin and Punch magazines, and Pryor attributes his career choice to this early mix of influences. He first free-lanced as a political cartoonist and illustrator with the Canberra Times in 1975, in Larry Pickering’s wake, and was employed in 1978 and remained there until his retirement in 2008 (Turner 2000). Pryor is now the lead political cartoonist for the weekly publication, Saturday Paper.
would join us from other countries” which had become a “global country” (1984, p. 2024).

After acknowledging the largely bipartisan shift to a non-discriminatory immigration policy, Hawke noted the “manifestation of prejudice… against immigrants, perhaps in general but more particularly against those who have come to us from Asian countries” (1984, p. 2024). He went on to reject any proposals to “boost some particular area so that we counterbalance some element that has come in from the Asian region” (1984, p. 2024). Urging “decency and responsibility” Hawke accepted the need to debate immigration levels on economic grounds. He concluded that “we do not welcome, either in this place or outside it, anything which goes to the question of prejudice or intolerance towards any ethnic group” (1984, p. 2024).

Hawke was not alone in condemning the racism which began to bubble to the surface in the immigration debate. Kelly (1992) notes that some, though not all, in the press, including the Sydney Morning Herald, The Age and the Financial Review, opposed the bipartisan rift, and criticised the Opposition’s opportunistic use of race. Peacock (1984a) too rejected the notion that he or any Liberal could be racist and he pointed to the Liberal Party’s historic record as evidence of their lack of prejudice and support for immigration and refugees. However he nonetheless argued for “a return to a proper, balanced and rational immigration policy for Australia” (Peacock 1984a, p. 2027). For Peacock the shibboleth and threat of “community acceptance” was pure Blainey. Stating that “The magnitude of the disaster for our community if the Government gets too far out in front of this issue cannot be understated”, Peacock used community attitudes as the basis for immigration reform, and by implication a selective immigration policy (1984a, p. 2027). Peacock was clear in articulating the nature of the immigration reform he sought from West; “What he has to do is not reduce the Asian element that is there but redress the imbalance by increasing the European element that has been allowed to slip…” (1984a, p. 2027). The ‘balance’ dog whistle was clearly heard and Kelly notes that Peacock was able to “expound the imperatives for both non-discrimination and social cohesion” (1994, p. 131).

The Coalition strategy of tapping into community bias about racial groups, without being explicitly racist, was used by Peacock and later Howard. It is typical of what US race politics author Haney-Lopez (2014) calls dog whistle politics. This involves “coded racial appeals that carefully manipulate hostility towards nonwhites” (2014 p. ix). In the American context
Haney-Lopez highlights how despite the rise of legislative equality, racism adapts and flourishes through dog whistle politics. He argues that racism has been “harnessed to a right wing politics that bankrupts the middle class writ large” (2014, p. xii). He is saying that conservatives have systematically used “racial pandering” to garner support from white voters for policies which further the interests of the rich and erode the middle class (Haney-Lopez 2014, p. 2).

Hawke’s speech sought to resolve and repudiate the racism which had grown around the immigration policy debate and its presence in the community. But Pryor’s cartoon demonstrates that while racist political talk might be willed away, the metaphorical lock, which contained Australia’s ever present racism, had already been undone and racism had escaped. Hawke’s speech was delivered less than three months after Blainey’s Warrnambool speech, but that was long enough for the new politics of race to take hold in the parliament, the press and community. As Hayden stated:

The fact is that for the past several months there has clearly been developing a pattern of policy statements and expressions of views by spokespeople from within the coalition parties which could only come together as a mosaic of racial intolerance (1984, p. 276).

The Liberal Opposition was outraged at Hayden’s “mosaic of racial intolerance” description. Deputy Leader John Howard also sprang to the party’s defence claiming that “no member of this Parliament is racist” (1984, p. 278). Howard reminded the Labor party of their support for the White Australia policy and of Whitlam’s response to Vietnamese refugees as part of his argument that the Liberal party was being not being any more or less racist than Labor. Howard’s objection, he said was based on the fact that “we on this side of the House, and others who dare to ask questions about immigration have been criticised and categorised as racist” (1984, p. 278). Howard wanted the “right” to argue about immigration without the “tag of racism” (1984, p. 278). While claiming to be tolerant and a supporter of a non-discriminatory immigration approach, Howard tellingly declared his position on refugees:

Of course we should have compassion, but people who are coming in this way are not the only people in the world who have rights to our compassion. Any sovereign country has the right to determine how it will exercise its compassion and how it will increase its population (1984, p. 278).

Gerard Henderson praised Howard’s “…powerful speech calling for restraint and tolerance in the debate on Asian immigration” and suggested that it “played an important role in Howard’s eventual assumption of Liberal Party leadership” (1990, p. 78). Reading the speech
thirty years later its tone is one of moral outrage and less a rejection of racism than a rejection of being called racist. The future discourse of Howard as Prime Minister has been prefigured in that speech.

Nicholson’s ‘Bowl for the Body’ cartoon published in The Age was a comment on the policy directions being pursued by the Liberal Opposition and its Leader Andrew Peacock\(^\text{149}\) in relation to both Aboriginal Land rights and immigration. At a State Liberal Party conference in Perth Peacock had declared that he would oppose the Hawke government’s land rights agenda stating

I understand the relationship between people and the land. I well understand that Aborigines have an affinity with the land. But it’s wrong to believe that only one section of Australians had an affinity with the land (cited in Barton 1984, p. 3).

\(^{149}\) Peacock’s 1984 election speech stated “Look at the mess and the tensions that the Labor Government has created through its obsession with uniform land rights for Aborigines. Our Aboriginal affairs policy doesn’t include overturning existing titles, resuming farming land or private property. We won’t isolate vast areas from exploration and development” (1984).
At the same conference Western Australian Liberals, “the members of which are as Right-wing as they come among the Liberals passed a motion calling for a referendum on the racial composition of Australia” (1984a, p. 13). Nicholson’s cartoon captures the various ways in which the Liberal party under Peacock was shifting to the right after the more progressive policy regime of the Fraser government. Fraser had opposed South African apartheid, promoted land rights and had introduced the Indo-Chinese refugee program. One of Fraser’s initiatives was to put a lifelong ban on 15 West Indian rebel cricketers who toured South Africa in 1983, which is why Nicholson has used cricket to highlight the shift in Liberal values to the right.

The issue of economic sanctions in South Africa was both divisive and unresolved for the Liberal party, with Peacock for and Deputy Howard against the use of sanctions. Peacock, a “small-l Liberal” was, Grattan says, under pressure from the Right in his party to push harder on land rights and immigration as a way for the Party to gain electoral support (1984a, p. 13). Grattan’s assessment was that Peacock had “put his toes in what has seemed invitingly warm electoral water, even if he is a bit too decent to strip entirely and jump in” (1984a, p. 13). The findings of a Gallop Poll published in the Herald newspaper, confirmed the anti-Asian sentiment which was growing post Blainey. The Poll found that 62 per cent of respondents disapproved of the higher proportion of immigrants coming from Asia and 64 per cent believed the intake should be cut (Barton, 1984).

Peacock’s immigration balance argument had traction, when he claimed that “no government could afford to get too far out of line with public opinion in its immigration policy” (cited in Brown 1984, p. 1). Debate within the Liberal party divided the ‘wets’ and the ‘drys’, and those who wanted to keep the Fraser policy inheritance and those who thought Blainey had the right answers. Kelly argues that it was a “conflict between two…principles: non-discrimination versus social cohesion” (1994, p. 133). In 1984 the Liberals kept with their policy tradition and despite what appeared to be public support for their views on immigration, did not make immigration and race an issue at the 1984 election. Labor Immigration Minister Stuart West argued that media criticism had forced the Liberals to drop immigration as an election issue. West pointedly asked

Why has the Opposition raised this issue? That question has continually puzzled me because there are people on the Opposition side who, frankly, I did not think, would be interested in raising this political red herring. I have come to the very obvious and simple conclusion that the Opposition simply has had no other issue
to run with. It has been going along so badly that it has taken up the issue and run with it, despite the damage that it knows this will cause to our long-standing immigration policy. I think the way the Opposition has been treated in the media since it brought this matter up has made a lot of its members have second thoughts. Never have I seen such vicious cartoons against the Leader of the Opposition and his spokesman as I have seen them receive on this issue. Never have I seen such hard hitting editorials against an Opposition which opportunistically against its better judgment tried to run with an issue that it knew it should not (1984, p. 281).

Blainey and his supporters did not immediately disappear from view as Peter Nicholson’s 1985 cartoon above demonstrates. Nicholson has a bound and martyr-like Blainey, with books piled high, literally up against the wall being attacked with paper darts. The darts are being thrown by a hostile group of academics at the martyred Blainey. The cartoon was a response to the media reactions to the publication of *Surrender Australia*, a collection of essays edited by immigration historian Andrew Markus and Asian historian Merle Ricklefs. The book brought together the work of eleven academics to critique Blainey’s use of history.

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and “racist misconceptions and stereotypes” (Markus & Ricklefs 1985, p. 4). This was not the first time academics had taken Blainey to task for his views: Blainey’s colleagues at Melbourne University had previously written to The Age publicly disassociating themselves from his views.

Ricklefs notes the “tremendous” press response to the attacks on Blainey, with a range of publications readily defending him (1997, p. 44). However the publication of Surrender Australia fuelled the race debate in a new way with Blainey claiming victim status for himself arguing his rights to free speech. He stated “The distrust of free speech has been especially noticeable amongst a small scatter of academics, members of a profession that by its very nature depends on freedom of inquiry and speech” (cited in Markus & Ricklefs 1985, p. 3).

The debate launched by Blainey had politicized immigration and issues regarding freedom of speech, unsettling the fragile bipartisan policy arrangements which had guided the massive movement of migrants and refugees to Australia up until the 1980s. The debate over immigration was vigorous and at times vicious. It didn’t become an election issue in 1984 but it did have important political impact in shifting the Liberals to the Right on race, and in dividing the Liberal leadership. The Liberals accepted a non-discriminatory immigration policy but dog whistled on social cohesion. For Labor, the debate demanded a response and this came with the 1988 Fitzgerald inquiry into immigration. New debates emerged around family reunion or skills as the basis of migration, and multiculturalism or mono-culturalism as the basis of immigration settlement policy. Free speech was a sleeper issue which was revived by John Howard in the guise of political correctness more than a decade later.
The Fitzgerald Report

Bruce Petty’s cartoon ‘Fitzgerald Immigration Waiting Room’ was published in The Age 4 June 1988 in response to the release of the Fitzgerald report. The Fitzgerald inquiry, formally the Committee to Advise on Australia’s Immigration Policies (CAAIP), was the result of a 1987 Labor election promise to review immigration policies post Blainey. This was the first major review of immigration policy since the establishment of a post war immigration department. Review chairman, Dr Stephen Fitzgerald, was an academic, an Asian scholar, former ambassador to China, and chair of the Asia-Australia Institute. The title of the report, Immigration, A Commitment to Australia, was indicative of the report’s overall concern that immigration wasn’t serving the national interest well, and a commitment to Australia should be at the forefront of migration. Advocating an “unashamedly Australian” focus for immigration policy, the report argued that this should be the bias for migrant selection, assessment and settlement (CAAIP 1988, p. 10). The report was required to undertake “full
consultations with the Australian community” (CAAIP 1988, p. xi) and not surprisingly found “Many Australians are not convinced that immigrants are making a commitment to their new country” (CAAIP 1988, p. xi).

Petty has captured the commitment theme with his waiting room full of potential immigrants being asked by an Australian immigration official for “one highly qualified, apolitical, non-refugee, naturalisation-keen spot welder and micro surgeon workaholic with ruck rover experience prepared to change on the half-forward flank.” Petty’s waiting room is peopled with a diverse and multicultural mix representative of the many thousands who applied to come to Australia under the non-discriminatory policy post-White Australia. More than one million people wanted to come to Australia in the late 1980s and applicants exceeded the places available by a ratio of 10:1 (CAAIP 1988). Given this level of demand the Fitzgerald Report urged a major review and better demand management of the immigration selection process. Petty’s cartoon demonstrates both the absurdity and unreasonableness of the new requirements and conditions being proposed suggesting that the consequence of raising the migration selection bar would be the exclusion of many people. Skill levels had replaced race as the new currency in immigration selection.

The key reform sought by the Hawke government and as recommended by Fitzgerald, was the development of an immigration program with “a sharper economic focus and economically self-interested, compassionate and rational selection of appropriate migrants” (CAAIP 1988, p. 8). In many ways the report was a response to the migration issues which had been raised earlier by Blainey. But while the Fitzgerald Report generated a great deal of controversy, the report also reinforced the principle of a non-discriminatory immigration program. It is arguable that Fitzgerald was simply “ceremonially renewing the elite consensus around a non-discriminatory immigration policy” (Joppke 2003, p. 10). The report identified many problems and failings with immigration policy and administration and contextualised these with the observation that “community attitudes to immigration…reflect confusion, anxiety, criticism and scepticism” (CAAIP 1988, p. 1).

The Report engaged with the two thorns of the simmering immigration debate: multiculturalism and levels of Asian migration. The Report found “widespread mistrust and failing consensus” regarding immigration policies broadly, and “confusion and mistrust of
multiculturalism” (CAAIP 1988, p. xii). For many, multiculturalism was perceived “negatively, as sectional and divisive” (CAAIP 1988, p. 58). The Report found that “multiculturalism…is seen by many as social engineering which actually invites injustice, inequality and divisiveness” (CAAIP 1988, p. 3). Moreover the Report argued that “the philosophy of multiculturalism is not widely understood and the uninformed ensuing debate is damaging the cause it seeks to serve” (CAAIP 1988, p. xiii). Concluding that “while public policy may have accepted multiculturalism as the appropriate philosophy for contemporary Australia, much of the community has yet to agree” (CAAIP 1988, p. 58). The Report recommended that affirmative action needed to be extended to “combat discrimination”, that governments needed to “provide leadership in combating” racism, and for DILGEA (Department of Immigration, Local Government and Ethnic Affairs) to provide the first two years of settlement support services (CAAIP 1988, p. xi - xii). After this time responsibility was to be handed to other government agencies.

Multiculturalism was strongly supported by the both Hawke and Fraser governments so to have it so roundly criticised, and so widely misunderstood, was problematic. This was the policy approach adopted initially by the Whitlam government, and further developed as cultural pluralism by the Fraser government. The Whitlam government was the first to begin a systematic review of the immigration regime which had supported White Australia. This involved extensive reforms including implementing the international conventions which “allowed migrants to have their voices heard about politics” (Davidson 1997, p. 162). The Whitlam government’s legislative reform included the introduction of the Racial Discrimination Act and the Australian Citizenship Act. These reforms were underpinned by the state assuming a more active role in the provision of settlement services and support for migrants. Whitlam outlined the new non-discriminatory vision in the following way; “Australia is in reality a multicultural nation, in which the linguistic and cultural heritage of the Aboriginal people and of peoples from all parts of the world can find an honoured place” (1985, p. 506).

In multiculturalism Fraser saw that “migrants should have the right to find their own expression of what it meant to be Australian” (Fraser & Simons 2010, p. 166). To support this view a range of initiatives were developed under Fraser including the Special Broadcasting Service (SBS), Migrant Resource Centres, the Australian Institute of
Multicultural Affairs, and an Ethnic Affairs Unit was established within the Department of Prime Minister and Cabinet (Fraser & Simons 2010). The key purpose of these initiatives was described by then newly established Australian Ethnic Affairs Council in the following way:

Australia should work towards not a oneness, but a unity, not a similarity, but a composite, not a melting pot, but a voluntary bond of dissimilar people sharing a common political and institutional structure (Fraser & Simons 2010, p. 426).

Blainey’s (1984a) observation that “quietly anti-British” (p. 155) multiculturalism was creating “a land of all nations” (p. 153) was based on his argument that the policy emphasised “the rights of ethnic minorities at the expense of the majority of Australians, thus unnecessarily encouraging divisions and weakening social cohesion” (p. 170). His observation captured the nub of opposition to multiculturalism: that it was less about Australia and social cohesion, and too much concerned with the rights and culture of migrants. Of particular concern for Blainey was the decline in importance of English language, “the quiet downgrading of the importance of English is one of the grave defects – socially and economically – of our multicultural society” (1988a, p. 58). It was therefore significant that the Fitzgerald report raised the issue of English language proficiency and recommended the reintroduction of English language competency in selection (Markus 2001).
Bill Mitchell’s ‘Bustards of the Bush’, published in *The Australian*, 4 June 1988 picked up on the Fitzgerald Report’s critique of English language competency. The Report recommended that Australia adopt three immigration components: Family Immigration, Refugee and Humanitarian and an Open category. The Open category target of 95,000 gave priority to “labour market skills, entrepreneurial and special talents, age, language capacity including English… kinship in Australia, other links with Australia and attributes of spouse” (*CAAIP* 1988 p. xiv). This new category offered a modification to the ‘points system’ of migrant assessment, and gave higher weighting to “entrepreneurial abilities and lower weighting to kinship in Australia” (Bone 1988a, p. 19).

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Mitchell has captured the tension for new migrants, particularly non English language migrants, and their experience and frustration of learning English. He has also captured Australian intolerance and racism which so readily stereotypes the migrant experience, and the absence of substantive policy mechanisms which could assist new migrants. The Report’s “tough direct” language (Bone 1988b, p. 11) provided the justification for the inclusion of English language and/or bilingual or multilingual capacity in the open migration category in the following way;

Communication is a necessary skill. So is literacy. The language of communication in the Australian workplace is English. Literacy and language, including languages other than English, must count in the process of selection. And the importance of English as the common language in Australia must count both in selection and the provision of effective English learning facilities in Australia (CAAIP 1988, p. 3).

The Fitzgerald Report “exposed a polarity; one side seen to be inhumane, advocated immigration purely on economic grounds; the other was seen as foolishly charitable” (cited in McMaster 2001, p. 56). Overall Fitzgerald painted a picture of policy failure; of not managing demand; falling skills capacity of migrants; perceptions that migrants were not “making a commitment to their new country,” immigration not being in the national interest; low levels of citizenship take up by migrants; and an undervalued citizenship status (CAAIP, 1988 p. xi - xv). The solutions were clearly articulated and required “coherent philosophy”, a stronger economic focus, “a convincing rationale,” better demand management and planning, and more highly skilled migrants (CAAIP, 1988 p. xi - xv).

Fitzgerald also urged that “citizenship must be a watershed in the migrant experience” and that “immigration policies be developed in the national interest and for all Australians” (CAAIP, 1988 p. xi - xv). While the ‘All Australians’ theme adopted by Fitzgerald was reminiscent of Blainey’s 1984 All for Australia polemic, the ideological view driving each was vastly different. Conservative Blainey sought to take immigration back into the past, whereas Fitzgerald was situating immigration within a neoliberal, global economic future being crafted by Hawke and Treasurer Keating. The jewel in this policy crown for the Hawke government was the economic potential of immigration for national economic growth. This was the key driver for the Fitzgerald Report and the realisation of this goal required “skilled, entrepreneurial and youthful immigrants” and an ambitious annual target of 150,000 across the three new categories (CAAIP 1988 p. 3).
Ron Tandberg's pocket cartoon “Do you know any English words?” published in The Age cleverly points to the Fitzgerald Report findings regarding English language competency and the family reunion component. Fitzgerald argued that immigration selection processes created "the moral dilemma of choosing between one human being and another" and further that choice of immigrants was only possible under the open or economic category (CAAIP, 1988, p. 17). Fitzgerald argued that the family was “an article of faith in our society” which was supported by most people and that the close family reunion program “must be untouched” (CAAIP, 1988, p. 16). Moreover Fitzgerald found that the family reunion program was “functioning well” which was an important, if partial vindication given the debate over Asian migration (CAAIP, 1988, p. 82). Fitzgerald recommended on “compassionate circumstances” an expansion of this aspect to include grandparents of Australian citizens and easier assessment for relatives over 55 (CAAIP, 1988, p. 82). But while Fitzgerald sanctioned the entry of close family members (siblings, adult children, nieces and nephews, parents and grandparents), conditions for extended family members (cousins, aunties and uncles) were changed so that applicants were to be considered under the open category and kinship “was secondary to skills” (CAAIP, 1988, p. xiv).

The Report also acknowledged the importance and successful operation of the refugee and
humanitarian component of the immigration program and stated, “The refugee program is perhaps the greatest cause for confidence that in the long run we can be extremely successful in managing the social dimension of immigration” (CAAIP 1988, p. 69). The Fitzgerald recommendation for an increased annual intake of 15,000 refugees, was not supported by the Hawke government. Fitzgerald justified this increase in refugee numbers, up from 12,000 per annum, because of the “considerable community commitment to helping refugees” (CAAIP 1988, p. 82). In retrospect Fitzgerald set a dangerous precedent for the determination of Australia’s refugee intake, linking forever refugee intake with popular support. The report also recommended that Australia cease resettling Indo-Chinese refugees given the declining numbers of refugees leaving the region. Finally Fitzgerald recommended an overhaul of the Immigration Department, the establishment of a Bureau of Immigration Research and a Ministerial Advisory Committee.

For the Hawke government the Fitzgerald Report was both damning and “tough-minded” (Grattan 1993, p. 133). Overall Fitzgerald suggested that immigration policy adopt a “middle ground approach” (McMaster 2006, p. 56) with the tripartite objectives of economic, humanitarian and compassionate grounds as the basis for Australia's immigration program. This recommendation provided the Hawke government with the impetus and logic for the economic reform of immigration. The Report consulted widely and deftly engaged with the key issues of the immigration debate. The result was the development of a more transparent, politically popular and national interest immigration program. Issues such as the reform of family reunions, the push for English language skills, greater commitment to Australia and immigration being more responsive to the needs of the national economy were both an appeal to populism and response to the market driven politics of neoliberalism.

The other issue raised by Blainey, regarding Asian migration, was also raised in the Fitzgerald Report. The Report acknowledged “antipathy to non-European migrants…”, calls for “an end to non-European migration” and claims that Asian migration was “disruptive to social cohesion and harmony” (CAAIP 1988, p. 7). By way of response the Report observed firstly that “racism is by no means exercised from Australia” and noted that the “empirical evidence tells us that we have not had race riots or many of the other social problems the opponents of Asian migration have been predicting” (CAAIP 1988, p. 7). The Report argued that this could be attributed to the diversity in socio-economic composition of Asian migrants, media rejection of “inflammatory treatment of this issue”, the existence of anti-discrimination
policies and practices, and the “easy going attitudes of Australians” (CAAIP 1988, p. 8). For Fitzgerald the “appropriate Asian is no better and no worse an immigrant than the appropriate European” and Asian-born people were anticipated to represent 7 per cent of the total population by 2025 (CAAIP 1988, p. 6). Thus Fitzgerald urged a “farsighted and steady handed” approach to immigration policy which re-affirmed a commitment to non-discriminatory policies (CAAIP 1988, p. 8). Here decisive government leadership, education, sound policy, “presentation of the facts about non-European immigration” and “appropriate anti-discrimination legislation” were recommended (CAAIP 1988, p. 8).

Fitzgerald’s advice received very positive press. The Australian editorialised that the Report, “one of the most important ever commissioned in Australia” was “intelligent, fair, balanced and constructive” and it particularly noted that Fitzgerald had highlighted the “real crisis in immigration, a crisis of declining public support” (Editorial, June 4-5 1988, p. 20). The editorial did take issue with the recommendation to cease taking Indo-Chinese refugees as “mean-spirited towards people who have excellent claims to be considered genuine refugees” (Editorial, The Australian June 4-5 1988). The Sydney Morning Herald editorial considered the value in the Report to be in re-opening the immigration debate, but “this time the basis of the debate is a set of recommendations that should give rigour to the argument” (Editorial Sydney Morning Herald, 4 June 1988). The editorial claimed the Report was “a tilt in the balance towards self-interest and a shift away from humanitarian interest” and supported the appeal to national consensus. “Clear sighted and important work” was the assessment of The Age editorial, which argued that the Fitzgerald Report was an “excellent starting point” for the debate and planning for Australia’s future population needs. The editorial considered that the direction of the report, and the numbers proposed were appropriate given Australia “needs to build up its population, not only because increased numbers mean a larger domestic market, but also for our own sense of security and confidence” (Editorial, The Age, 4 June 1988).

Confirming Fitzgerald’s argument for improving skill levels, Davidson observed that the economic circumstances in the 1980s were very different to the post war period and that migrants now had to “have a higher productivity than the existing workforce” (1988, p. 32). He concluded “paradoxically…this probably means a higher proportion of immigrants will come from the rapidly developing Asian countries” (1988, p. 32). Given the “genuine racial resistance to higher levels of Asian immigration” (1988, p. 32), Davidson rightly forecast that
this might result in lower levels of immigration. Davidson argued that the decline in real living standards in Australia at the time meant that the “popular unease about immigration” particularly “those immigrants who are most visible” was not surprising (1988, p. 32). Davidson’s contextualisation reinforces Fitzgerald’s findings regarding the fraught nature of immigration.

As predicted in the press, the Fitzgerald Report did indeed reignite Australia’s immigration debate with key protagonist John Howard leading the fray. Steketee argued that Fitzgerald’s “diagnosis” portrayed the immigration program as “failing in its objectives because the profile of the average migrant was becoming older and less skilled” (1988d, p. 11). Howard, who had narrowly deposed Peacock to become Liberal Opposition Leader in 1985, was presented with a choice: maintain the longstanding bipartisan policy on immigration; or use race to campaign for the hearts and minds of the Australian electorate.

Untitled illustration

Michael Fitzjames, *Sydney Morning Herald*, 4 August 1988
John Howard and Coalition Immigration Policy 1988

The illustration by Michael Fitzjames published in the Sydney Morning Herald was a response to John Howard’s inflammatory position on immigration policy. The swashbuckling Howard captured in the illustration had used the Fitzgerald Report’s critique of multiculturalism to launch the Liberal’s new direction in immigration policy. McMaster suggests that John Howard “seized the report as a stick with which to beat the Hawke government” (2001, p. 56). Howard had flagged that the Liberal Opposition intended to make immigration an election issue with the release of ‘One Australia – From Many Cultures and Many Nations.’ The policy was part of the Liberal’s Future Directions program which was designed to articulate the Liberals social policy agenda for the 1988 election.

Prior to the release of the Fitzgerald Report Howard had flagged his intention to shift direction on immigration claiming, “Policy quality should be supreme. It should not be scarified in a blind pursuit of bipartisanship” (Peake 1988, p. 1). Howard’s attempt to make immigration an election issue rested on his claims that multiculturalism had failed Australia and that the family reunion program should be cut. Howard believed that multiculturalism was divisive and had lost community support. In outlining his opposition Howard marked out the policy position his government would later adopt;

I am not wanting to turn the clock back to some sort of 1950s jingoism but I do believe in the 1980s the most important thing is a commitment and a loyalty to Australian traditions and Australian families… We ought not to try to establish in this country some kind of federation of cultures (cited in Steketee 1988b, p. 8).

But Howard’s stick failed, and his campaign, and indeed leadership, was “derailed” Kelly says by the issue of Asian immigration (1994, p. 420).

Fitzjames’ illustration uses a powder keg leaking on the floor to demonstrate the volatility of the race politics which Howard espoused. Reflecting some years later, Mares observed that Howard’s views on race “had started a bushfire” (2002, p. 113). Nearby is the silhouetted image of Robert Menzies, standing with colleagues, positioned with their backs to Howard,

Melbourne born Michael Fitzjames is a graphic artist whose work has appeared in many newspapers including the Sydney Morning Herald, the Australian Financial Review, the London Guardian, Nation Review, Living Daylights, Digger, The Age Monthly Review, National Times, Harper’s Bazaar and MJ Magazine. As well his work is exhibited in the Australian Galleries in Sydney and Melbourne. Fitzjames has also illustrated and designed numerous books and posters.
appearing to reject Howard’s departure from contemporary Liberal political values.

Howard’s position saw him distanced from more moderate Liberals including former Leader Peacock, Chaney and Party President John Elliot (Kelly 1984). Former Prime Minister Fraser castigated Howard saying “comments based on race do not belong in the Australian political environment” (Grattan 1988, p. 1). Days later Fraser again took Howard to task saying “the issues of race, of multiculturalism do represent important values for the Liberal party” and it was “tragic to see the Liberal party divided on race and immigration when before it had been part of a bipartisan position” (Grattan 1988d, p. 4). In the far distance of Fitzjames’ illustration boats on the horizon are heading towards Australia, and from them seem to emanate dark clouds. The image is rich in metaphor: of powder keg, dark clouds, boats and a sword wielding Howard savaging the bipartisan politics of immigration policy.

Journalist Max Walsh argued that Howard’s position on immigration represented “a conscious retreat from the high moral ground” (1988, p. 15) which the Liberal Party had occupied in relation to non-discriminatory immigration since the 1960s. Moreover Howard had shattered the bipartisan, non-discriminatory immigration policy approach with his statement that,

If (the level of Asian migration) is in the eyes of some of the community too great, it would be in our immediate term interests and supportive of social cohesion if it were slowed down a little so that the capacity of the community to absorb it were greater (cited in Walsh, 1988, p. 15).

Walsh argued that Howard’s anti-Asian migration push was no “accident’ but the result of a careful escalation which had resulted in “resurrecting and rehabilitating anti-Asian attitudes as a respectable issue” (1988, p. 15). According to Walsh, Howard had “hijacked the Liberal Party” and turned it into the “anti-Asian voice of Australian politics” (1988, p. 15). This was an important, if retrograde development for Australian politics, the Liberal Party and the nation.
Alan Moir’s 153 ‘Xenophobia’ cartoon was published in the Sydney Morning Herald and has John Howard releasing, ‘Xenophobia’, a large and unwieldy bird from its Australian penal cage. The image is a mix of cartoon and caricature. It suggests that John Howard climbed a chair and deliberately unlocked Australian racism from its caged past. Both Howard and the bird ‘Xenophobia’ are precariously balanced, and it looks as though Howard can barely control the creature he has released. Moir’s cartoon pointedly blames John Howard for unleashing a politics of race over which he now has little control. Moir’s message is that the damage has been done, and while culprit Howard may fall, his creature is launched and now out of the control of the political process.

The combined efforts of Blainey and Howard created the space for new forms of racism which focused on levels of Asian migration and opposition to multiculturalism. The simple

policy propositions both men espoused around social cohesion provided a normalising language and legitimacy for race based nationalism. According to Howard, multiculturalism had “left the country with a cultural identity crisis” (cited in Seccombe & Milne 1988, p. 1). In rejecting multiculturalism Howard was distancing himself from a key part of the Liberal immigration policy platform developed under Fraser. However the other aspect, social cohesion, was retained as a crude racist mantra. While cleverly not specifying any reduction in actual numbers of Asian migrants, Howard advocated winding back the family reunion policy which had been a key vehicle for “the increase in Asian migration” (Seccombe & Milne 1988, p. 1). Howard’s position on Asian migration was pretty clear with his claim that “if you have less family reunion you may have less coming from Asia” (cited in Steketee 1988b, p. 8). Along with stressing the importance of citizenship and contributions to the nation, Howard said

I am not saying I would end Asian immigration. What I am saying is that it a legitimate concern of any community and any government to say that the rate of immigration from one particular area is so great that it is imposing social tension and a lack of social cohesion (cited in Steketee 1988b, p. 8).

‘They all look alike to me’

Les Tanner, The Age, 11 August 1988
Les Tanner’s cartoon, ‘They all look alike to me’, was published The Age in response to the release of the Coalition’s immigration policy. The policy was a departure from earlier, less discriminatory approaches because it “reserves the right of a future government to vary the mix of migrants to protect social cohesion” (Seccombe 1988a, p. 1). While Howard had provided the running for the Liberal party on immigration policy, former Treasury Secretary and National Party leader in the Senate, John Stone and National Party leader Ian Sinclair weighed in on behalf of the Nationals with their “unequivocal and undesirable” views on Asian migration (Grattan, 1988a, p. 10).

Tanner’s cartoon has an Asian couple illuminating White Australia through a magnifying glass. In their vision is a ‘social cohesion’ sheet being held by Howard and Stone. Tanner has positioned Howard and Stone behind the sheet, suggestive of Klansmen, attempting to hide the true intent of their immigration policy direction with the language of obfuscation. Howard’s skilful dog whistling tactics were evident when he claimed he

...would not like to see it [the level of Asian immigration] greater... it is in the eyes of some of the community... too great, it would be in our immediate term interest and supportive of social cohesion if it were slowed down (cited in McMaster 2001, p. 150).

Jakubowicz argues that Howard’s reference to social cohesion in the context of the immigration debate was “widely understood at the time as being a code for ‘stop Asian immigration’” (Jakubowicz 1988). Grattan noted that while Howard had attempted to politicise immigration and tap into the “strong anti-multicultural feelings in the community and...hostility to Asian migration” (1988e, p. 18) the result was divisive in unanticipated ways. The Age editorial called Howard’s dog whistling in the following way:

Mr. Howard has been careful not to spell out what precisely he means by maintaining social cohesion or how a coalition government would interpret and implement it. This semantic fastidiousness suggests he wants the best of both worlds: to signal to those who fear and resent Asian immigrants that a coalition government would reduce the intake, and yet to avoid giving offense to the ethnic communities already here and to countries which Australia has important links (1988, p. 13).

Where Howard was cunning enough to imply a reduction in the number of Asian immigrants, his National colleagues had no such reservations. Stone had blatantly declared “Asian immigration has to be slowed. It’s no use dancing around the bushes” (cited in Mares 2002,
Bruce Petty’s cartoon, “…and now a word about the suitability of their wives” was published in *The Age* 13 August 1988. It was a response to National Party Leader Ian Sinclair’s comments regarding Asian migration. Sinclair had said on national television “I certainly believe that at the moment we need to, by changing the balance between skilled migrants and family reunions, reduce the number of Asians” (cited in Grattan 1988, p. 3). Sinclair was rebuked by John Howard, who claimed that the Nationals Leader had “gone beyond the Opposition’s draft immigration policy,” and further “that the immigration policy to be considered by the coalition parties is not racially targeted” (Grattan 1988, p. 3). The Fitzgerald Report had, for the first time, included the “attributes of spouses” as criteria in the assessment of Open category applications (CAAIP 1988, p. 125). The Report noted that “in many cases, spouses have specific skills which they intend to put to use in the Australian workforce” and recommended that these capacities be included in applicant assessment (CAAIP 1988, p. 93).

Petty’s cartoon has Sinclair instructing the media on the attributes of Asians, while his
Coalition colleagues stand, diminished in the background. Petty’s Asian image resembles Phil May’s 1886 Mongolian Octopus cartoon which appeared in The Bulletin, and the use of that reference neatly characterizes Sinclair’s xenophobia, as something out of Australia’s racist past. With Sinclair’s comment, “…and now a word about the suitability of their wives” Petty suggests that Sinclair is not only racist but misogynist as well.

The emergence of racism and its articulation in immigration policy was not confined to Australia in the 1980s. Bone (1988c) noted that in England incidents of racism had increased by twenty-five per cent in the past year and incidents had occurred in Italy, France and Denmark which highlighted a rise in racism. Significantly across Europe entry requirements for refugees were being tightened, and immigrants in Belgium, West Germany, France and the Netherlands were being offered money to return to their homelands. Chair of the NSW Ethnic Affairs Commission Dr. Paolo Totaro suggested that in Australia too “new racism” had been manifest since John Howard’s comments on multiculturalism and Asian migration (cited in Bone 1988, p. 18). Not only was this issue not limited to Australia, but Australia’s immigration debate had an impact internationally.

‘How’s the Asian proportion of the migrant debate?’

Les Tanner, The Age, 19 August 1988
Les Tanner’s “How’s the Asian proportion of the migrant debate?” published in *The Age* 19 August 1988 was a response to Singapore Prime Minister Lee Kuan Yew’s observation that the Australian immigration debate was harming Australia’s international reputation. Opposition Leader John Howard had dismissed Lee Kuan Yew’s views. Tanner’s cartoon has Lee Kuan Yew dropping mid-air and crashing onto a very small Howard. A bystander casually asks the stunned Howard “How’s the Asian proportion of the migrant debate?”

The cartoon was both a potent reminder that Australia’s immigration policy and the anti-Asian views of conservative leaders were indeed noticed internationally, and that as leader of a South-East Asian city-state, Lee Kuan Yew did have significant influence. Lee Kuan Yew was a longstanding and keen advocate of Asian progress and economic development. He had overseen the transformation and development of an independent Singapore, which “had become, within a decade, the most important diplomatic actor in the region” (Wesley 2011 p. 79). Describing Singapore as a “little leader,” Wesley outlines how with careful diplomacy, Lee Kuan Yew was able to mobilise and centralise power through co-founding the Association of South-East Asian Nations (ASEAN). He was an influential leader who had previously called Australian leaders on racist policy and practice.

The Hawke government responded to the Coalition calls for a reduction in Asian immigration and the abolition of multiculturalism by passing a non-discriminatory immigration motion (Seccombe 1988a, p. 1). Here the language of non-discrimination was being used by liberal democracies to proclaim racial equality. Hawke argued that the Liberals under Howard were jeopardising the “bipartisan rejection of race as a factor in immigration policy,” and causing damage to Australia’s economic interests in Asia. More importantly Hawke argued that Howard

…has unleashed within his coalition and within the wider community the most malevolent, the most hurtful, the most damaging and the most uncohesive forces. Far from ‘one Australia’ he has guaranteed a divided Australia. Far from guaranteeing one Australia, he has guaranteed a divided Australia; a hurtfully divided Australia (Hawke 1988, p. 402).

Describing Howard’s racial politics as “cynical opportunism” Hawke argued that Howard’s immigration policy was a “cynical grab for votes” (Hawke 1988, p. 402). Hawke stated

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154 ASEAN was established a year after Singapore gained independence in 1966, and its initial members were Singapore, Indonesia, Malaysia, Thailand and the Philippines. It expanded in 1990 to include ten South-East Asian countries (Wesley 2011).
“There will be no discrimination on the basis of race or origin in the immigration policy of the Hawke Labor Government” (cited in Milne 1988, p. 1). Bob Hawke’s response to the immigration quotas being proposed by the opposition was, “If it’s the Asians today, who is it tomorrow? “(cited in Milne 1988). Picking up on the Fitzgerald recommendations around citizenship, Hawke also proposed a citizenship drive, targeting the one million residents in Australia who were not citizens.

While Howard could support an immigration policy which did not “discriminate against applicants on the basis of their race, colour, nationality, descent, national or ethnic origin, gender or religion” he insisted that he would “never ever abandon the sovereign right of this country to decide who will be a permanent citizen...” (Howard 1988 p, 405). This, for Howard, was “the very essence of national sovereignty” which required “whole community support” to determine the composition and size of migrant intake (Howard 1988 p, 405). Howard’s detailed immigration prescription included an integration push, the rejection of migrants who might be an “economic burden,” not jeopardising social cohesion and harmony, and the requirement that migrants accept Australian social mores, laws, institutions and principles. According to Errington and Van Onselen this was “the real John Howard” and typical of “his tendency to take a step too far in indulging the prejudices his fellow Australians” (2007, p. 160). In denying his own racism by supporting a policy of non-discrimination, Howard carefully constructed an enduring policy frame for the Coalition Opposition which privileged nationalism and sovereign right. It was opportunistic in 1988 but by the time Howard was Prime Minister, it was the dominant discourse of the nation.

The issue of whose interests benefited from the Australian government demonisation of asylum seekers and refugees will be explored in the following chapters. For the moment Haney-Lopez’s conceptualisation of dog whistle politics is relevant because it helps to explain the Liberal party strategy of “play[ing] the race card” initially in the 1980s and later when in government (Tavan 2006, p. 1). John Howard’s racial dog whistle was not seeking a return to white Australia. Rather he and colleagues Peacock, Stone and Sinclair used the coded appeal to social cohesion. They weren’t nominating the exclusion of any particular racial groups; they were leaving it to the Australian public to decide which racial groups would maintain social cohesion. What they sought to do was publically engage and legitimise discussion about immigration numbers and the racial profile of migrants. Proclaiming that small
numbers of people from Asia were acceptable enabled them to claim that they were not racist. Maintaining a balanced population was another coded appeal. The effect of these coded appeals was to allow racism back into migration debates. In doing so the Coalition broke what Mares says was the

…tacit bipartisan agreement between the major political parties not to talk about migration numbers or the composition of the migration programme because of the political sensitivities involved and the negative social repercussions that such debates can have (2011, p. 410).

Conclusion

Australia in the 1980s represented a policy paradox. On one hand Australian politics became pre-occupied with old racist questions about population composition, mix and balance, at the very time that national economic policy was actively removing historic industry, industrial and financial market protections, floating the dollar and adopting other neoliberal initiatives designed to ‘open’ Australia to global markets (Kelly, 1994).

For Dauvergne the paradox of opening markets and closing borders to illegal migration demonstrates that “migration laws and their enforcement are the last bastion of sovereignty” (2008, p. 2). Her argument, that nation states’ loss of control of policy activity due to globalisation generally involves a “reinterpretation of the highly malleable concept of sovereignty” (2008, p. 2), can help us to understand what was going on in Australia. While Dauvergne’s research is concerned primarily with illegal migration and refugees, it none-the-less provides an important insight into the rise of immigration policy issues in the 1980s.

The immigration debates initiated by Blainey informed the immigration policy reform agenda of the Hawke government. After the Fitzgerald inquiry immigration policy became focused on skill levels and business opportunity in order to meet the demands of the Australian economy. Migrants became necessary fodder for the economic transformation which neoliberal ideas had wrought upon Australia. At the very time that Hawke and Keating were nurturing globalisation agendas, John Howard was pursuing immigration reform as part of a campaign of “chauvinistic nationalism” (Kelly 1994, p. 419).

Throughout the 1980s the Liberals were concerned with opposition to multiculturalism, levels of Asian migration, questions of social cohesion and the promotion of citizenship. For
a time during the 1980s these issues were foregrounded while refugee policy issues slipped into the background, becoming an aspect of the larger immigration policy storyline while sovereign control of immigration assumed greater importance and significance for the national polity. I support Dauvergne’s argument that efforts to control illegal migration and refugees is the “last bastion of sovereignty” (2008, p. p.2). Moreover I want to suggest that the 1980s immigration debates and subsequent policy reform in Australia reignited these sovereign processes which had been settled in the post-White Australia period.

In the middle of the first wave of neoliberal reforms, immigration debates gave expression to the nationalistic issues of cohesion, inclusion and exclusion. For the Australian polity these issues simmered beneath the surface of an unreconciled past. That they re-emerged at the very time when the economic protections of “Fortress Australia” were being dismantled is hardly surprising. Immigration, as Dauvergne (2008) observes, represents the final area over which nation states exercised control. Throughout the 1990s and into the twentieth first century, the continual arrival of asylum seekers in flimsy boats would challenge this last vestige of control. As this chapter demonstrates a mix of dog whistle politics and neoliberal reforms were waiting for these new arrivals.

The 1980s immigration debates provided both the Labor government and Liberal opposition with the frames and argument to incrementally adopt a regime of new control measures for the management of asylum seekers and refugees. As the cartoonists in this chapter demonstrate the consensus which existed on race was weakened in Australia with the emergence of Blainey and his views on Asian migration and multiculturalism and the support provided by Liberal party and its leaders Peacock and Howard. The cartoonists exposed this new politics of race unrelentingly, ensuring that its perpetrators had no place to hide. The consensus on non-discriminatory migration, which Freeman claims is “part and parcel of the "ethos" of liberal democracy itself” would disappear with the 1989 Migration Legislation Amendment Act and the subsequent 1992 introduction of Mandatory Detention (cited in Joppke, 2003, p. 10). However as the cartoonists demonstrate in this chapter, the politics which enabled this shift and enabled Australia’s war on refugees began slowly and deliberately. While historians may point to the significance of neoliberalism in changing the direction of immigration and refugee policies, cartoonists collectively point to racial politics in Australia. The following chapters demonstrate how race politics and neoliberalism shaped Australia’s engagement with asylum seekers and refugees.
Chapter 6 Making myths: mandatory detention, illegals and the myth of Australian humanitarianism 1989 - 1994

Australia’s acceptance of large numbers of Indo-Chinese refugees in the late 1970s and 1980s and the earlier resettlement of post war Displaced Persons give the impression that Australia openly accepted refugees and treated them generously. However the arrival of Indo-Chinese refugees fleeing Vietnam, Cambodia and Laos by boat meant that Australia, for the first time, had become a country of first asylum (Schloenhardt 2000). Their arrival by boat challenged Australia’s capacity to control its borders and as a consequence, challenged the nation’s capacity to determine who entered the country.

For Australia, a nation historically anxious about borders, this loss of control represented both an inability to control which asylum seekers and refugees came to Australia, and an accompanying threat to national sovereignty. As a result by the late 1980s Australia had developed a new policy regime aimed at punishing those asylum seekers and refugees who arrived by boat and deterring others from embarking in the first place. The new policy emphasis on refugee deterrence and punishment was part of the project of “re-figuring the territory of government” (Miller & Rose 2010, p. 90). This change in policy direction was part of a broader shift by Western nations in their “relative generosity” towards refugees (Whitaker 1998). Central to the shift was the “illegalisation of migration” which led Australia and many other first world nations to adopt measures to actively restrict and deter refugees (Dauvergne 2008).

If Australia could be considered generous in its acceptance of refugees in the past, and there is significant debate regarding this, the adoption of a policy of detention by the Hawke government in 1989 marks a turning point away from previous refugee policy. The subsequent introduction of mandatory detention by the Keating government in 1992

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155 Davidson (1997) provides a number of indicators of Australia’s waning generosity and reluctance to accept refugees. The first is the decline in the number of refugees accepted in Australia under the humanitarian and refugee program. In the period 1981-82 some 21,917 refugees were accepted but just over a decade later in 1992-93 the figure had almost halved to 10,939 (Davidson 1997, p. 165). Along with these domestic intake levels, Davidson uses a ratio of refugees to population to compare Australia’s performance over the early 1990s with other countries. The finding is both surprising and disappointing. At that time wealthy Australia had a ratio of 1:100 compared to Canada at 1:74 and Sweden at 1:62. But Davidson also observes that the ratio for “poor countries like Jordan, Malawi, Swaziland and Armenia” was 1:20 (1997, p. 165).
confirmed and consolidated this shift in Australia’s treatment of asylum seekers and refugees. Mandatory detention reflected a new and explicit public policy hostility and distrust of boat arrivals, which was directed initially towards Cambodian refugees and later extended to “unlawful non-citizens.” Since its introduction in 1992, detention policy has had bipartisan support and been the cornerstone of Australian asylum seeker and refugee policy. But why was Australia the first nation to adopt this policy of deterrence and punishment? This chapter seeks to explain the domestic and international circumstances which led Australia to adopt policies of detention and hostility towards asylum seekers and refugees. Mandatory detention, border control and deterrence policies represented a shift away from the acceptance by Australia of UN Refugee Convention obligations. With this policy shift Australia would become “the most unwelcoming country towards asylum seeks in the Western world” (Gibney 2004, p. 166).

By the late 1980s the global refugee population continued to grow. Old and new groups of refugees continued to flee a range of crisis situations and three particular groups of refugees made their way to Australia. The first group came originally in the quest for western education and feared returning to the People’s Republic of China after the events of Tiananmen Square. Other Chinese refugees sought to escape China post-Tiananmen Square. The second group arrived in boats, fleeing Vietnamese occupied Cambodia. The third group were part of a UN initiated process to resettle Vietnamese refugees.

Australia developed different policy responses to each of these refugee groups and this differential treatment reveals a great deal about the politics of refugee policy. The Hawke and later Keating governments welcomed the Chinese refugees, the Cambodians were either repatriated or held in detention, and the Vietnamese were resettled as part of the 1989 UN Comprehensive Plan of Action. Here national and international refugee politics were played out in the different policy responses adopted towards these three groups of refugees. Most importantly the sovereign Australian state and where appropriate, the international community, determined who was a refugee, who was welcome in Australia and who would be returned.
Tears\textsuperscript{156} were shed for pro-democracy Chinese in Australia, but not for the Vietnamese and Cambodians. Hostility greeted the Cambodians who arrived in boats and it was they who first experienced the detention regime. The introduction of a differential policy response for on-shore and off-shore refugee arrivals was central to Australia’s new approach. Moreover this distinction regarding how asylum seekers and refugees arrived in Australia provided not only the justification for their treatment. This distinction enabled the state to vilify and oppose those who arrived by boat as ‘illegals’ and to welcome and support those had been ‘selected’ by Australia. At this time a further aspect was introduced into refugee politics regarding ‘genuine’ and ‘non-genuine’ refugees. By the late 1980s the prerogative of nation states such as Australia to “offer protection to whomsoever it chooses, irrespective of a person’s international legal status as a refugee” (Crock & Berg 2011, p. 329), had become indelibly linked with method of arrival. Boat arrivals represented a loss of sovereign control and this aspect would come to be regarded as more important in Australian asylum seeker and refugee policy than refugee status itself.

\textsuperscript{156} Under the headline ‘Weeping PM calls for end to the killing’, Prime Minister Hawke was described as delivering a “tearful plea to Chinese authorities responsible for killing thousands of unarmed Beijing citizens”. Tears ran down Hawke’s face as he said “This is the at once the saddest and most compelling duty I have had to perform as PM” (Higgins, 1989).
1989 Comprehensive Plan of Action and ‘Genuine’ and ‘Non-Genuine’ Refugees

Eric Lobbecke’s ‘Help’ cartoon portrays the global growth in refugee numbers in the late 1980s. His cartoon has streams of African and Asian refugees appearing from across the surface of the globe united in a simple and clear plea for ‘Help’. Lobbecke’s image powerfully highlights the very large number of refugees seeking asylum by the end of the 1980s. This was the ‘“tidal wave’ of pressure” of people moving from poor to rich countries escaping persecution, or fear of persecution, conflict, oppression, human rights violations, politics and poverty; in search of somewhere safer than their home country (Bull 2011, p. xiii). Moreover this movement Betts and Loescher argue was underpinned by “conflict, state failure, and the inequalities of international political economy” (2011, p. 1).

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157 Eric Lobbecke is a young, Austrian born cartoonist and illustrator based in Sydney. Lobbecke’s work appears in the Australian, Sunday Telegraph and Daily Telegraph newspapers (Don 2011).
Accompanying the cartoon was an article written by then Australian journalist Tony Abbott whose poignant description of “a globe circling archipelago of suffering” (1989, p. 12) may have provided the metaphor for Lobbecke’s cartoon. Abbott used the Human Rights Watch estimate of some 14 million refugees world-wide to highlight the magnitude of refugee numbers. Lobbecke’s cartoon appeared shortly after the Tiananmen Square 4 June massacre, and its reference is not only to refugees from China but to other Asian refugees from Vietnam, Cambodia and Laos, as well as refugees from the Horn of Africa, Palestine, Ethiopia, Somalia, Sudan, Rwanda, Tibet, Iran, Sri Lanka, Nicaragua, Guatemala, Angola, Mozambique and Bangladesh. Lobbecke’s image captured the new mobility of refugee populations which Betts and Loescher attribute to globalisation, suggesting that it “contributed to people from conflicts and human rights abusing regimes travelling to developed countries to seek asylum” (2011, p. 9).

Lobbecke’s cartoon was also a response to the United Nations Conference on Indochinese refugees held in Geneva which adopted the 1989 Comprehensive Plan of Action (CPA) to “solve the Vietnamese and Laotian refugee problems”158 (Davies 2008, p. 188). The 1989 CPA was adopted a decade after the first CPA, which had established a framework for the resettlement of Vietnamese refugees beyond the region. Betts says that by 1988 the number of Vietnamese who were seeking asylum was increasing,159 and the “willingness” of ASEAN nations to provide protection, and countries such as Australia to provide resettlement, was “declining” (2006, p. 32).

Refugee camp populations in the ASEAN nations and Hong Kong were at capacity, and there were suggestions that the “lure of resettlement in wealthy, western nations” had attracted economic migrants as “more and more people were prepared to pay traffickers sums of $1,500 for a place in a boat” (Davies 2008, p. 187). New regional politics in the region meant that for the first time the Socialist Republic of Vietnam (SRV) was prepared to repatriate, without punishment, refugees willing to return. As a result, a “new consensus” emerged which introduced screening on the basis of the 1951 Convention and 1967 Protocol to determine refugee status (Betts 2006, p. 32). The result was that ‘genuine’ refugees were

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158 Davies notes that Cambodians were not part of the Comprehensive Plan of Action because they were classified as Displaced Persons. For the first time the UN sought to repatriate 300,000 Cambodians (2008, p. 188).

159 Davies says that over the year 1988-1989 there was increase of 84 percent in Vietnamese seeking asylum (2008, p. 187).
resettled and ‘non-genuine’ refugees were repatriated (Davies 2006, p. 188). Screening and repatriation had become the new, sanctioned mechanisms of refugee policy. Moreover Davies argues that the primary purpose of the CPA was as a “deterrent measure to facilitate the return of those determined by the authorities not to be refugees” (2008, p. 199).

As a result of the CPA Australia, Canada, the United States and other countries agreed to accept 55,000 refugees, with Australia taking 11,000 refugees over three years as part of its existing annual Refugee and Special Humanitarian Programs (Murdoch 1989). While Australia was accepting refugees from Vietnam as part of the CPA, discourses of refugee ‘genuineness’ and authenticity were emerging, alongside the mythical discourse of Australian generosity towards refugees. Responding in the parliament to questions about the terms of Australia’s commitment to refugees, Minister for the Arts, Sport, the Environment, Tourism and Territories Graham Richardson declared

The Government supports the principle that people who are determined as not being refugees under the 1951 United Nations Convention and the 1967 Protocol relating to the status of refugees, to which Australia is a signatory, are expected to return to their country of origin under conditions of safety and dignity in accordance with international practice (1989, p. 3979).

Minister for Foreign Affairs Gareth Evans, who attended the Geneva Conference, lauded Australia’s high refugee intake, saying that of the western resettlement nations “Australia per capita, had taken by far and away the most refugees” (cited in Lindsay 1989). Evans also said

…we have accepted an obligation to go on doing that but we want to see an end to the basic cause of the problem, which is the steady flow of departures by people who have no credible claim to be treated as refugees in the traditional sense (cited in Lindsay 1989).

An editorial in The Age newspaper supported Australia’s “hard-headed” position on the repatriation of Vietnamese refugees, declaring “The argument seems harsh but, on balance, it is persuasive. It has long been apparent that the boat people problem can only be solved with the help of Vietnam itself” (Editorial, The Age 13 June 1989). The editorial considered that the Australia government decision to accept 11,000 Vietnamese refugees would help “stop the outflow of boat people from Vietnam” only if “every effort was made to detect and assist authentic political refugees” (Editorial, The Age 13 June 1989). The view that “the boat people problem” could only be solved with the repatriation of economic refugees to Vietnam was accompanied by the moral position that the size of Australia’s annual refugee quota, “is not, and cannot be, big enough to satisfy the demand being placed on it by people whose
prime concern is to increase their standard of living” (Editorial, The Age 13 June 1989).

Australian political and press support for the CPA was significant given the Plan reinforced the distinction between political and economic refugees, sanctioned repatriation and ensured that boat people would no longer be “automatically regarded as refugees eligible for resettlement in a third country” (Lindsay 1989). In her analysis of the Southeast Asian nations’ engagement with refugees and refugee law, Davies argues that the CPA demonstrated “how malleable refugee protection could be in the hands of states” (2008, p. 199).

The help being sought by the world’s poor was now qualified through screening and the explicit rejection of “socio-economic persecution” even though Davies suggests that this more than political persecution, “caused great numbers of people in the third world to flee en masse” (2008, p. 207). The social construction of what Davies calls “refugee-ness” was based on a European, post-1945, Cold War frame of reference (2008, p. 207). Definitions were narrowed, and screening as deterrence and repatriation became the key tools in what Hathaway argues was UNHCR cooption into a “legitimation of the tacit pact between first asylum and resettlement states to relegate the explicit human rights mandate to the realm of pure symbolism” (cited in Davies 2008, p. 217-218). The 1989 CPA fuelled a discursive struggle regarding the conception of ‘genuine’ and ‘non-genuine’ refugees. These discourses subsequently shaped Australian refugee policy debates and the development of Australian asylum seeker and refugee policy. So too did another international event: Tiananmen Square.
Australia’s response to Tiananmen Square

Les Tanner’s “Would that be the 27th, 39th, 38th or 16th army?” cartoon was published in The Age days after the Chinese army killed at least a thousand people and injured many more attending pro-democracy rallies in what became known as the Tiananmen Square massacre. Premier Li Peng’s declaration of martial law had been made some weeks earlier, and the Tiananmen Square massacre was the expression of the new military regime’s power. Tanner’s question “Would that be the 27th, 39th, 38th or 16th army?” was a reference to the various People’s Liberation Army troops mobilised to support the Beijing-based 38th army. The armies were called in to contain the seven week pro-democracy demonstrations (Ellingsen 1989). However according to Trainor (1989), the 38th army initially refused to use force against the protestors in circumstances described as “…citizen against citizen and army against army” (cited in Trainor 1989). Figures vary but some 200,000 People’s Liberation Army troops were mobilized, though not all were willing participants in the crackdown against demonstrators.
The gun in Tanner’s cartoon is an AK-47 automatic rifle, the type reportedly used, along with dumdum bullets, by troops against protestors (Ellingsen 1989). Tanner’s sense of irony is used to great and bitter effect to make this cartoon work with its powerful visual messages. The AK-47 is relevant both as a weapon of brutal destruction and because of the prophetic advice former revolutionary leader Mao Tse-tung delivered in a speech to the Chinese Communist Party. In pre-revolutionary China Mao advised; "Political power grows out of the barrel of a gun" (Tse-tung 1938). Mao wanted the Party to appreciate and utilise the relationship between military power and state control. He believed that “All things grow out of the barrel of a gun” (Tse-tung 1938) and so it was 40 years after the Chinese Communist Revolution, in the same location in Beijing, guns with illegal bullets were used to massacre people seeking some measure of political liberalisation. The figures of two Chinese men stand forlornly in the cartoon, looking with shock and surprise at the gun. Tanner has these men perplexed at the actions of the People’s Republic of China against its own people.

Unlike other episodes of refugee persecution discussed earlier, in the case of Tiananmen Square, the Australian government responded rapidly with unintended and ongoing consequences for the Chinese nationals involved, and Australia’s refugee program more broadly. In order to understand Australia’s response to this group of refugees, it is important to understand the largely economic relationship which had developed between Australia and China. Grigson (1989) suggests that Australia was considered a close friend of China after the Whitlam government was the first western nation to recognise the communist government in 1972 (Grigson 1989). Moreover China had become a significant trading partner for Australia with wool, wheat, and iron ore exports worth in excess of $1.2 billion to the Australian economy (Grigson 1989). Australia had also developed cultural and sporting contacts, and student and academic exchange programs as well as diplomatic relations with China. China’s importance for Australia was evident in the choice of the high profile, former ambassadors to China, Stephen Fitzgerald and Ross Garnaut, to lead the Hawke government’s key policy reports on immigration and economic development.

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160 Dumdum bullets are lead exposed bullets, which because of the lead exposed tip, are designed to cause greater injury. The name dumdum comes from Dum-Dum in India where the British army manufactured lead exposed bullets. The standard issue military bullet is called a full metal jacket. Dumdums are banned under the 1899 Hague Convention (Ross 2014).
respectively.

Garnaut’s 1989 report, *Australia and the North-east Asian Ascendancy*, was released late that year, highlighting the economic rise of Asia. Garnaut emphasised the “transformative effect on the world economy” of Asian economies (Wesley 2011, p. 130). Moreover Garnaut’s report claimed that East Asian immigration was ‘pivotal’ for Australia. Garnaut’s report was a critical plank in the economic reform agenda of the Hawke government and it proposed removing industry protection, and increasing foreign investment and skilled migration from the region. Garnaut advocated that skilled migrants should be business migrants who had trained in Australia (Davidson 1989).

In the late 1980s Australia had opened educational markets to full-fee paying international students. At the same time, the People’s Republic of China was relaxing restrictions on international study. These policy shifts, in Australia around the neoliberal commodification of education, and in the People’s Republic of China around the liberalisation of study, meant that some 40,000 Chinese students were studying in Australia at the time of the 1989 Beijing massacres. After the pro-democracy massacres, these students became *sur place* refugees (Crock & Berg, 2011).

Immediately following the Tiananmen Square massacre, the Hawke government’s newly established Office of Multicultural Affairs, headed by Peter Shergold, convinced Hawke to allow 15,000 Chinese students to remain in Australia (Jamrozik, 1989). Grattan puts the figure at 10,000 students (1989). Most were part of the very rapid expansion in full-fee English language courses that had developed throughout the 1980s (Birrell 1989). Just weeks after the massacre, the Hawke government extended the students’ visas for twelve months, pending a decision on whether they would have to return to China (Kiely, 1989).

In a parliamentary motion, Prime Minister Hawke expressed “outrage at the massive and indiscriminate slaughter of thousands of unarmed Chinese pro-democracy demonstrators” and he reassured Chinese students that “obviously we would consider sympathetically the

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161 Melbourne’s *Sunday Herald* rejected Garnaut’s recommendation and suggested that “his argument that we need to increase Asian immigration is not convincing” (*Asia: our new cultural cringe*, *Sunday Herald* 1989).

162 Garnaut says that in hindsight he was “slightly too cautious on China, slightly too bullish on Japan, and on Korea, Taiwan and Hong Kong I was just right” (cited in Hartcher 2009).

163 It should be noted that there is a deal of variation in the numbers cited in relation to Chinese nationals, many, though not all of whom were students.
cases of any students who could in any sense be in danger by a return to China” (1989, p. 3523). The government was supportive of Chinese students, and there was a readiness to accept the students as “genuine refugees.” However more than 5100 Chinese students applied to remain in Australia and this large number put immediate pressure on Australia’s refugee program numbers.

At the time Australia’s Refugee and Special Humanitarian allocation was 12,000 places, so the intake of 5100 Chinese students was potentially, Humphries (1989) suggests, a very large increase in the annual refugee intake. Using the Refugee Convention definitions, Immigration Minister Robert Ray stated that “Australia would be obliged to grant refugee status to any of the 15,405 Chinese nationals in Australia who could prove they had a well-founded fear of persecution in China” (cited in Peake & Bellamy 1989, p. 15). As well, illegal Chinese immigrants were advised by the Australian government that they should not fear deportation (Peake & Bellamy 1989).

Grattan suggests that the Hawke government was in a “difficult position” because while it was sympathetic to the plight of Chinese students, it was also aware that “there would be more pressure for the Chinese to exploit loopholes in the system” (1989, p. 5). The 1989 Tiananmen Square repression affected 20,000 Chinese students in Australia, the majority of whom did not want to return to China. Jupp (2002) argues that the Hawke government was sympathetic towards this group of refugees and that Hawke delivered on the promise that no Chinese student would be forced to return to China. Murray (1990) argues that Hawke’s direction to the Determination of Refugee Status Committee164 (DORS) represented a conflict of interest between humanitarian concerns on one hand, and questions of foreign affairs and trade on the other. The accommodation of Chinese refugees was claimed as a win-win for Australia satisfying both pro-democracy and humanitarian interests on one hand, and satisfying Gareth Evans’ “diplomatic activism” in Asia on the other (Wesley, 2011, p. 25).

164 DORS was established by the Liberal government 1977 “to advise the minister on claims for protection under the Convention” (Gibney, 2004, p. 185). Membership of the committee which was chaired by a representative of the department of Immigration, Local Government and Ethnic Affairs, came from a range of departments including Attorney General, and Prime Minister and Cabinet.
Australian relations with South East Asian and South Pacific Neighbours

Peter Nicholson’s cartoon above was published in *The Age* after the release of Foreign Affairs Minister Evans’ *Australia’s Regional Security* strategy. Nicholson’s cartoon has Evans cooking a BBQ in a suburban backyard with a range of South East Asian and South Pacific leaders apparently drawn by the BBQ smell wafting over the fence. This image shifts away from more threatening ‘Asian hordes’ representations, and offers a distinctive ethnic stereotype of the people the South East Asian and South Pacific countries. The representation as neighbours suggests a new type of relationship was being proposed in Evans’ strategy between these nations and Australia. Evans’ proposed “comprehensive engagement” with South East Asia, and “constructive commitment” with the South Pacific as part of Australia’s regional security strategy of becoming “the master of our own fate” (1989, 4022).

The key idea underlying the strategy was that Australia’s regional security policy be multidimensional rather than defense based, and Evans argued that engagement in the region
through trade, tourism, education and cultural exchange was a more appropriate way to manage Australia’s security. Nicholson’s characterisation of regional relations as akin to a neighbourhood BBQ highlights well both the tension and possibility of Australia’s engagement with its near neighbours. The portrayal of Evans as genial host captures well his Eurocentric assumptions about his diplomatic leadership role. Wesley argues that at the time Australia played “a central role in initiatives which reshaped regional and global architectures” (2011, p. 25). Nicholson’s suggestion is that Evans as a neighbourly host is avoiding a heavy handed, militaristic approach in favour of a gentler cultural exchange approach. However Nicholson nonetheless points to Evans’ diplomatic leadership aspirations and his readiness to ignore the cultural and political history, differences, traditions and sensitivities within the region.

Seven areas were to be incorporated into the Evans strategy; military capacity; political and military cooperation; diplomacy; economic links; development aid; assistance with non-military threats; and cultural exchanges (Metherell 1989). The development of APEC and the ASEAN Regional Forum and Evans’ negotiation for a peace-keeping force in Cambodia were key initiatives to emerge from the strategy (Wesley 2011). Evans also included “the problem of refugees” as one of the non-military threats in the strategy along with “environmental degradation, acquired immune deficiency syndrome, narcotics trafficking and unregulated population flows” (1989, p. 4022).

The strategy was a response to the geopolitical uncertainty which had emerged internationally and within the region in the period after the Indo-Chinese conflicts. Most notable was the decline of old ideological divisions with the end of the Cold War and the fall of the Berlin Wall. The increasing neoliberal focus on economic development and globalisation meant that Australia was indeed “opening itself to the world as never before” (Welsey 2011, p. 8). However despite these developments, and the Hawke-Evans policy of situating Australia as part of Asia, Wesley argues that globalisation made Australia “insular and complacent about the world” (2011, p. 8). I want to suggest that this insularity and complacency is particularly evident in our treatment of refugees. Australian engagement with the countries of South East Asia and the South Pacific did not make Australia any more responsive to refugees or indeed immigration from these countries. As the world changed and more and more people became refugees, Australia adopted new strategies to restrict entry into Australia. Debates regarding who was a refugee became central to this process.
The Arrival of Cambodian Refugees

Against this strategy of diplomatic and economic engagement with Asia, Australia’s negotiated acceptance of Vietnamese refugees through the CPA, and the acceptance of Chinese nationals, refugees continued to arrive in boats. Discussion of Indo-Chinese boat arrivals in Australia has tended to use the metaphor of first wave or second wave to distinguish between the Vietnamese who arrived in Darwin in 1976, and the Cambodians\textsuperscript{165} who arrived later in 1989. Beyond the obvious irony of these conceptualisations, the chronological distinction alerts us to the different policy treatment accorded to these different groups of refugees. McMaster notes that the first group were readily and unquestioningly granted refugee status and permanent residence “without suffering the stigma and hardship of detention”\textsuperscript{166}(2001, p. 73).

The men, women and children who arrived by boat in Broome from November 1989 were the first Cambodian boat arrivals, and the first boat arrivals since the early 1980s (Doogue & Brauer 1989).\textsuperscript{167} More importantly, this small group of 145 asylum seekers were detained under the provisions of the Hawke government’s Migration Legislation Amendment Act 1989 and they were never granted refugee status. As McMaster explains, “from the time of their arrival until they were rejected as refugees in April 1992, these people were all detained” (2001, p. 73).

Under the new powers of the Migration Legislation Amendment Act 1989, first adopted in 1982 and strengthened in 1989 with bipartisan support (Ruddock, 1989), the later group of asylum seekers included Cambodians, Vietnamese and Chinese who were all detained as prohibited non-entrants. The Act represented “the most significant changes to immigration law in 30 years,” and was the result of a long reform process which began with the Fitzgerald review. It developed an extensive, legally binding regulatory framework for immigration.

\begin{footnotesize}
\footnote{165}{While the majority of boat arrivals were Cambodians, a further 33 people arrived in 1991 who came from Macau, China and Hong Kong. Later that year there were 2 Indonesians and 1 Bangladeshi. Other boats carried Vietnamese and Chinese nationals (Refugee Council of Australia 1992).}

\footnote{166}{Millbank says government readily accepted the “bona fides” of the Vietnamese boat people and “they were ‘processed’ for permanent residence immediately on arrival” (2001). However Millbank also notes that they were held in what she calls “loose detention” in Villawood Migrant Centre in Sydney. This meant they were not allowed to leave during processing and they reported to the daily roll call.}

\footnote{167}{Viviani notes that the first group of boats carried approximately 2000 people to Australia between 1976 – 1989, and that a further 1919 people arrived on boats between 1989 – 1995 (1996, p. 11 & 16). Betts notes that between 1989 and 1991 six hundred and fifty-two people arrived in boats, of whom three hundred and sixteen were Cambodian, and two hundred sixty-nine were Chinese (1993, p. 9).}
\end{footnotesize}
including the introduction of a ‘points system’ for the assessment of migrants, the separation of the family reunion and economic categories\textsuperscript{168} and the removal of ministerial discretion (Bone 1989, p.13).\textsuperscript{169} Cronin suggests that the 1989 Migration Legislation introduced a rule based system with little flexibility which was “designed to insulate decisions from judicial review” (1993, p. 100). Jupp also notes that the raft of new regulations introduced by the Hawke government transformed the operation of the Department of Immigration to “rule-based administration” as part of its broad regime of control (Jupp 2002, p. 63).

Minister for Immigration, Local Government and Ethnic Affairs Gerry Hand outlined the need for reform stating

Prior to these changes, decision-making under the Act had largely been a matter of administrative discretion. Accordingly, there was a lack of uniformity and consistency in decision-making. Policies and guidance were scattered across a variety of departmental handbooks. Instructions were frequently expressed only in broad terms and, in some instances, had essentially evolved over time without being articulated in detail anywhere. This meant that individuals, and their representatives, as well as departmental decision-makers, had no coherent body of rules to consult to implement the Government’s policy requirements (1990a, p. 136).

The reforms created a new system of codified immigration rules, removing the practice of arbitrary decision making for immigration decisions, but retaining arbitrary decision making for refugee determinations. Crock suggests the reforms created “one of the most highly regulated systems of public administration ever seen in Australia” (1993, p. 27). Viviani says that under the new reforms refugee determination remained an “administrative prerogative,” and the detention regime was legalised for all illegals and unauthorised arrivals (1996, p. 22). Refugees were detained initially at Port Hedland\textsuperscript{170} and later moved to Villawood in Sydney. By 1991 the Port Hedland facility became the official detention centre for boat arrivals.

\textsuperscript{168} The English language requirement was removed from the family category but retained in the skilled migration category (Theophanous, 1989).

\textsuperscript{169} Phillip Ruddock then Opposition spokesman for Immigration, argued in relation to the proposal to remove ministerial discretion that “it was inappropriate for the Minister to divest himself of that discretion… The role of the Minister is pivotal ” (Ruddock 1989, p. 3484).

\textsuperscript{170} The Refugee Council of Australia noted the appropriateness of the Port Hedland facility for the temporary detention of illegal fisherman, but argued the facility was “entirely unsuitable for the long-term detention of asylum seekers” due to the isolation from essential services including legal advice, interpreters, counselors with experience of torture and trauma, cross-cultural medical and dental staff, as well as access to religious, cultural and family and community support (Refugee Council of Australia, 1992).
The “judge proofing” aspiration noted by Cronin was initially tested in the Federal Court with a challenge to the detention provisions applied to the Cambodian refugees. This was possible Viviani argues because refugee status had been denied by the Department of Immigration as an administrative decision. The Cambodians’ challenge was based on grounds of “faulty process, bias or denial of natural justice” (Viviani 1996, p. 23). However in a counter move, Viviani (1996) says the government attempted to limit access to the courts with two moves; firstly by placing restrictions on the grounds for appeal; and secondly with the establishment of the Refugee Review Tribunal. \(^\text{171}\) Viviani suggests that these developments represented a “struggle… for control of migration policy” where the Department of Immigration “…was seeking to assert Parliament’s authority through converting administrative decisions to legal rules and by seeking to limit claimants access to the courts” (1996, p. 23).

Viviani argues that “…at every point in this dismal story of the changing rules and processes for refugee determination, boat people, and in particular the Cambodian boat people, have been singled out for ‘special treatment’” (1996, p. 25). The 1989 legislative changes and the detention of Cambodian refugees heralded a new refugee policy regime for Australia which reflected a change in attitude towards refugees and consequently, changes in the treatment of refugees.

**Illegal Arrivals: The Last Bastion of Sovereignty**

Australian immigration laws were assumed to represent legitimate processes of selection, and by implication, exclusion. However the arrival of refugees in boats on the north west coast in the late 1980s again challenged the very capacity of the nation to control entry. These refugees, numbering nearly 600 people, were initially classified as illegal, on-shore arrivals. They were detained, some for more than four years, while their claims for refugee status were being individually determined (Viviani 1996; Corlett 2002). Their arrival was a turning point for refugee management in the Australia polity.

The form of their arrival, on-shore, rather than as part of the managed off-shore refugee selection program, and their immediate detention, meant they were treated as illegal entrants.

\(^\text{171}\) The Refugee Review Tribunal was the third review mechanism, replacing the Refugee Status Review in 1993. It had earlier replaced the Determination of Refugees Status (DORS) in 1990 (Betts 1993).
who had breached not only the border but the laws and institutions of national sovereignty. This made them part of a population of between 90,000 - 150,000 people who were considered to be in Australia illegally (JSCMR 1990). Cronin (1993) notes that most illegals were initially “permitted to enter” the country and were predominately those who entered Australia legally but who, for whatever reason, had overstayed their visa or permit (1993, p. 86). Other illegals included those who had arrived via “clandestine landing, by ship crew deserting, by entry through the protected zone” and by “exploiting the inadequate controls over domestic travel on international flights” (JSCMR 1990, p. 15). There was also a group who “secured entry or stay by deception” which included “contract sham marriages or ‘marriages of convenience’” (JSCMR 1990, p. 16). The largest group, more than 11 percent of over stayers, came from the United Kingdom (JSCMR 1990, p. 15). More than 13,000 of those classified as illegal were from the People’s Republic of China. The campaign against illegals appeared to have significant public support, with The Age reporting survey results which indicated that up to 75 per cent of respondents “want the government to make more effort to detect and deport illegal immigrants” (Editorial, The Age, 16 December 1989).

Dauvergne argues that the issue of illegals challenged the “last bastion of sovereignty” for western governments (2008, p. 2). Throughout the twentieth century nations developed complex systems for managing entry and border crossing. Dauvergne calls this “legalised” migration (2008, p. 2). The Australian system, a mix of racist population selection and migration regulations, tightly controlled who could come to this country. By the 1980s, overt racist selection had been replaced by regimes of non-discrimination and new codified systems of control. Despite these regimes, a new policy problem, that of illegal migration, was perceived to be emerging. The UNHCR noted the growing trend and consequences of illegal migration stating

… as the possibilities for legal immigration remain limited, many would-be migrants seek to use refugee procedures as their entry route to industrialised countries. The phenomenon has two consequences which prejudice the rights of refugees, in some cases severely. On the one hand, procedures carefully designed to ensure the fair examination of claims and to allow for review of negative decisions have become overwhelmed by the sheer numbers of claimants, resulting in long waiting periods, high costs, and a public perception of those procedures as attracting and contributing to irregular migration. At times, particularly during periods of recession, this perception produces anti-refugee sentiment within host states, which may result in racist attacks. On the other hand, Governments have at times had recourse to legal measures to apply international protection principles in the restrictive way, denying it to the very persons who need it, and to
practical measures which prevent the refugee from reaching safety (UNHCR 1995).

Dauvergne argues that the “illegalisation of migration” is the result of two forces; “the increasingly regulatory focus on extralegal migration” which comes from the “rhetoric and hyperbole of constructing the accompanying moral panic, and in part by the migration flows themselves” (2008, p. 2). Moreover Dauvergne notes that while illegal migration has become a “headline marker” and “vital domestic issue” the adoption of policy regimes designed to protect borders and prevent illegal migration, actually represent a “reaction to state perceptions of a loss of control over policy initiatives in other areas” (2008, p. 2).

The argument is that the globalization-driven loss of control experienced by nation states resulted in attempts by governments to regain control of the very aspects of sovereignty which were disappearing: the determination of who comes to and who belongs to the nation. In Australia the panic about illegal migration is especially potent because of the longstanding fears about space and race. To this is added the new and ambitious neoliberal hopes for open markets. The point over which government presumed it could have some vestige of control was in relation to the flows of people coming into the country.

The newly established Joint Standing Committee on Migration Regulations (JSCMR),\(^{172}\) described the issue of illegality in the following way stating “The presence of illegal entrants has come, whether correctly or not, to symbolise the inability of governments to control their borders” (JSCMR 1990, p. 12). The JSCMR noted that the “control of illegals has taken on a new urgency in recent years because the issue is coupled with, or compounded, fears of an increased movement of asylum seekers” (JSCMR 1990, p. 12). While some distinction was noted between the “undocumented migrant” and the “claimant for refugee status” policy responses remained the same (JSCMR 1990, p. 12). It is clear that from 1990 onwards, the new policy language of border control, fear and illegality problematised refugees negatively. Then a new discourse emerged regarding economic refugees which compounded the ongoing debate about who was a refugee.

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\(^{172}\) The Joint Standing Committee on Migration Regulations was established by Immigration Minister Robert Ray to advise him on whether the regulations drafted by immigration officials matched the policy intent.
Economic Refugees in Policy Discourse

Les Tanner’s cartoon, “Are you an economic refugee or an economic investor?” was published in The Age as a response to the Hawke government’s criticism and vilification of Cambodian refugees. Tanner’s cartoon has an authoritarian Australian immigration official asking an Asian man who is emerging, dripping wet from the water and carrying his luggage on his head, if he is “an economic refugee or an economic investor?” The question was a reference to Hawke’s claims that the circumstances of the Chinese and Cambodians refugees could not be compared because the Cambodians were an example of “economic refugeeism... people saying they don’t like a particular regime or they don’t like their economic circumstances” (cited in Masanauskas, 1990).

Speaking on Chanel Nine’s A Current Affair television program in response to a question about the double standard of detaining Cambodian refugees but not Chinese nationals, Prime Minister Hawke attempted to discredit the Cambodian refugees, claiming they did not meet
the UN Convention definition of refugees\textsuperscript{173}, that they had not followed the Australian refugee selection process and that the government would be taking a tough line against them (Sheridan 1994). Hawke was attempting to assert some measure of control when he stated …the people [the Cambodians] are not political refugees…we have an orderly migration programme. We're not going to allow people to just jump that queue by saying we'll jump into a boat, here we are, bugger the people who've been around the world… no qualms about it… I will be forceful in ensuring that that is what's followed” (cited in McMaster 2001, p. 75).

As well as claiming that the Cambodians were economic refugees, Hawke also claimed that the Cambodians had “paid their way out primarily in search of a better life” and as a consequence of this “should not get sympathetic treatment” (Grattan 1990 p. 13). Not getting sympathetic treatment meant that Australia would not have to accept the refugees.

Here was the Australian Prime Minister using prime time, commercial television to discredit Cambodian refugees. Hawke was engaging in a practice which Haney Lopez (2014) calls dog whistle politics. For Lopez this involves statements such as Hawke’s above which skillfully both vilify particular racial groups, and vilify whatever practice the racial group is involved in. This serves to reinforce opposition and garner additional support from those opposed to both Cambodians and boat arrivals.

Hawke’s dismissal of the Cambodian claims to refugee status doesn’t just reinforce the rejection of Cambodian claims; it reinforces opposition to boat people and to anyone who breaches the mythical control regime of legal migration. The Cambodians were portrayed as economic refugees, and this representation made them purely self-interested and greedy. More importantly though that self-interest representation was used to suggest the Cambodian asylum seekers were prepared to ignore Australian rules and fair processes for the selection of refugees, and push their way ahead of those the Australian state had decided could come and receive the nation’s generosity. The Prime Minister’s declaration was that the Cambodians were pushy, rude, self-interested and rule breakers. Their worst offence however, was jumping into a boat and jumping the queue to come to Australia. It was this which distinguished the Cambodians from the Chinese nationals. The Cambodians had crossed Dauvergne’s “last bastion” (2008, p.2).

\textsuperscript{173} As indicated earlier, Davies reports that the Cambodians were classified as displaced persons (2008, p. 188).
Haney Lopez suggests, “racism operates as a form of accepted truth among those who hear the whistle” (2014, p. 38). Hawke had used the refugee whistle on populist national television and in the press, ensuring an audience “susceptible to subtle messages that present minorities as the major threat in their lives” (Haney Lopez 2014, p. 188). The message that people in boats breached the border of the nation state, breached its migration rules and jump an orderly queue had been delivered. Tanner’s cartoon captured the dog whistle’s propaganda and his satirical cartoon was a direct challenge to the government’s economic refugee discourse and contradictory messages about Cambodian refugees.

Foreign Minister Evans was also critical of the Cambodians, stating that most would not be granted refugee status. However while Evans supported the claims that the Cambodians were economic refugees, his rationale for doing so had more to do with his own diplomatic agenda in Cambodia. The Australia government had previously acknowledged the circumstances in Cambodia with Hawke speaking of the “tragic situation in Cambodia” and the “intractable conflict” facing the country (1989a, p. 3388). Shadow Minister for Foreign Affairs Robert Hill, highlighted Cambodia as “a country suffering the continuing misery of people continuing to be killed each day” which he said “hardly rates a mention” (1989, p. 4026).

However despite the widespread recognition and acknowledgement of the circumstances in Cambodia as a war torn nation, McMaster persuasively argues that “it was a minister’s desire for a grand triumph” which saw Australia reject Cambodian boat people as refugees (2001, p. 76). As indicated earlier Foreign Minister Evans was actively involved in the Paris Peace Agreements which sought to “resolve the internal problems in Cambodia and the resulting exodus of refugees” (McMaster 2001, p. 75). McMaster notes a central assumption was that “the agreements would be undermined if Australia accepted refugees from Cambodia” (2001, p. 75). Moreover Evans used the opportunity to claim that “only a tough-minded policy of sending people back would discourage boat people from seeking residence in Australia” (Metherell 1990).

Grattan was insightful with her suggestion that the “intensely strident ring” to the criticism of Cambodians from Hawke and Evans was concerned with two aspects: that the government had assumed the Cambodians were “economic refugees jumping the orderly queue” and that if this group of 224 people were allowed to remain in Australia it would “send signals for
more to come” (1990, p. 13). Evans’ resolve to find a solution to the Cambodian conflict required that the Cambodian boat people in Australia not be refugees. This approach demonstrated again how the shape of refugee policy was not determined in isolation, but was developed in relation to other domestic and international policy interests and issues. In this instance, foreign affairs provided the key policy driver for refugee policy. By 2001 security would become another policy driver. No national policy is developed in isolation but the experience of the Cambodians shows how refugees, and refugee policy, was malleable to this range of national interests.

Government opposition to the Cambodian boat arrivals in 1990 established the public discourse of distrust and hostility which has dominated refugee policy for nearly a quarter of a century. That discourse is based on the myths of boats breaching the control of orderly refugee queues, and of the morality of singular claims for refugee status. Dummett argues that claims that asylum seekers are economic refugees is “a favorite propaganda device” which serves to “blur the distinction between economic refugees and immigrants” (2001, p. 44). Moreover the effect of this blurring, as Tanner’s cartoon demonstrates, is to challenge and undermine the very motivations of asylum seekers and refugees.

Dummett suggests that the result is that asylum seeker claims were as viewed as “trivial and unworthy” (2001, p. 44-45). Viewing asylum seekers as economic migrants, or as non-genuine refugees, fails Dummett says, to consider that “flight for economic reasons may be as justified and as worthy of sympathy and help as the flight from political persecution” (2001, p. 45). Tanner’s cartoon highlights how the discursive labeling of asylum seekers as economic refugees emerged as an important bipartisan weapon. This discourse subsequently became the key justification for the return of asylum seekers who had arrived in boats, and the continued regime of policy deterrence.

The suggestion that the forced deportation of boat people was a reasonable and appropriate policy solution was possible because of assumptions that people were only fleeing for economic rather political reasons. Grattan argued that in the case of the Cambodians this judgment was “flawed morally and may prove to be factually incorrect because it overlooks their primary motive for fleeing, namely to get away from a civil war” (Grattan 1990 p. 13). Moreover Jupp’s observation that “the distinction often made between ‘genuine’ and ‘economic’ refugees is usually hard to substantiate” is useful (1994, p. 2). The issue of
distinguishing economic migrants from genuine refugees had been a significant criticism of the CPA screening practices which were “consistently failing to distinguish refugees from economic migrants and being in conflict with human rights” (Viviani 1996, p. 15). Tanner’s work was a rare political cartoon alerting The Age readers to the economic refugee frame being used as part of the discursive campaign of rejection being waged by the Australia state.

While the discursive labeling of asylum seekers and refugees deliberately created a degree of ambiguity, there was no such ambiguity or indeed debate regarding the treatment of asylum seekers who arrived by boat. McMasters explains the stark reality of the policy regime; “detention or freedom depended solely on the method of arrival, not on the strength of claims to refugee status” (2001, p. 77). The Cambodians who arrived between 1989 and 1993 without visas were placed in detention until a final decision was made regarding their status in 1994. Corlett (2000) details how the Cambodians applied on five separate occasions for refugee status with each application being rejected. Rejections resulted in appeals to the Federal Court, and then to the High Court, where the court upheld the legality of Australia’s detention regime. Multiple applications were possible due to the “bureaucratic, legislative and judicial nightmare” which saw Australia’s refugee policy amended and changed numerous times over the period 1989 – 1993 (Corlett, 2000, p. 24). Betts counters this with her competing claim that

Australia has been unusual in allowing asylum seekers the possibility of both administrative and judicial review. This, together with the constant possibility of submitting new details during the process of inquiry, helps explain the length of time that it has taken to arrive at a formal decision on the boat people’s claims (1993, p. 11).174

The fate of the Cambodians was mixed, because of the “changing rules and processes for refugee determination” (Viviani 1996, p. 25). Some finally agreed to return Cambodia for twelve months, so that they might be granted permanent residence on humanitarian grounds (Viviani, 1996). Others were granted humanitarian entry to Australia. The deals negotiated highlighted the very active role of Immigration Ministers Ray, Hand and Bolkus in refugee determination, the differential treatment given to the Cambodians compared to the Chinese, and despite the rhetoric of control, the shifting policy and lack of certainty regarding refugee rules and regulations.

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174 Betts extends her explanation of the long detention periods to suggest that refugee lawyers “dragged the process out… trying to create work for themselves… work that was funded though legal-aid at the taxpayers expense” (1993, p. 9).
It is important to recognise that many of the Cambodian boat people were detained by the Australian state for four years. One of the barristers acting for the refugees, Colin MacDonald, observed with wry insight that this was the “non-parole period for a manslaughter conviction” (cited in Viviani 1996, p. 24). Their ‘crime’ was to have their refugee claims heard in Australia at a time of heightened concern regarding the “rising crisis of numbers” (JSCMR 1992, p. 3) and “avalanche” of on-shore arrivals (JSCMR 1992, p. 45), when ministers had the discretionary power to determine refugee status, when nation-state refugee policy regimes assumed refugee intakes could be controlled, and when Prime Ministers determined who could come to Australia. One aspect would change: detention for on-shore refugees would become mandatory.

175 Immigration Minister Robert Ray had established a Joint Standing Committee on Migration Regulations (JSCMR) 1990 which began to examine the operation of the on-shore refugee system. The report, Australia’s Refugee and Humanitarian System: Achieving a Balance Between Refuge and Control followed an earlier inquiry, Joint Standing Committee on Migration Regulations (1990) First Report Illegal entrants in Australia: balancing control and compassion, AGPS, Canberra, September (JSCMR 1990).
Gerry Hand and Immigration Policy Reform

John Spooner’s illustration is a caricature of the sixth Minister for Immigration, Local Government and Ethnic Affairs in the Hawke government, Gerry Hand. This illustration accompanied a sympathetic interview of Hand written by Age journalist Martin Flanagan in the lead up to Hand’s release of the 1990-91 immigration targets and changes to refugee policy. Spooner’s caricature provides a good likeness of Hand, and the small, patched and leaking pipe in the background, with its image of Australia on the valve, symbolizes the “processing

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176 Melbourne based John Spooner has worked as a political cartoonist and illustrator for The Age since the mid 1970s. He is a qualified lawyer and is a journalist.

177 The Immigration Ministers in the Hawke – Keating governments were Stuart West, Chris Hurford, Mick Young, Clyde Holding, Robert Ray, Gerry Hand and Nick Bolkus.
pipeline” used to describe the approach to assessing applications from the People’s Republic of China (Cronin 1993, p. 87).

Many commentators felt the pipeline allowed a less stringent assessment of 24,838 Chinese students who arrived in Australia between 1 July 1989 and 31 May 1991. Cronin says the students “were in a pipeline of unprocessed applications” due to the temporary closure of Australian Embassy facilities in Beijing (1993, p. 87). For Spooner immigration is represented as a trickle of people, indicated by the size of the bucket held by Minister Hand. Here Spooner’s representation is in marked contrast to the ‘avalanche’ crisis claimed by the Joint Standing Committee. Hand, who was from the left wing of the ALP and had introduced ATSIC as Minister for Aboriginal Affairs, acknowledged his immigration responsibility as “playing with human lives” (cited in Flanagan 1990, p. 11). Noting Hand’s work in both Aboriginal Affairs and Immigration, Flanagan observed the difficulty of these portfolio areas with his comment; “both are said to be arguments that in political terms can only be lost” (1990, p. 11). For Hand one pressing issue for immigration policy was less about the old issue of population composition, and more about the size of the immigration intake in the context of newly emerging sustainability debates; “the question of how many people this land mass can support” (cited in Flanagan, p. 11).

Hand had identified that the 1989 reforms to the Migration Act had resulted in an “inflexible, harsh and overly complex” system of administration and he flagged in the parliament his plans for systematic reform (1990, p. 136). To that end he outlined his proposals for an open, accountable and consultative reform approach, which began with the establishment of the Joint Standing Committee on Migration Regulations, chaired by Andrew Theophanous. Theophanous described the committee’s task as advising the Minister on “the difficult and controversial issue of illegal entry” to Australia (1990, p. 1560). At the time the illegal population was estimated to be between 90,000 –150,000 people. Phillip Ruddock, deputy chair of the Committee, claimed “I suggest that the total figure is closer to 150,000. That is

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178 Speaking in the parliament Opposition spokesman Phillip Ruddock claimed that the Labor Government had “put in place arrangements to pipeline process all of these people into Australia without proper bona fides testing. Is it any wonder that they then made applications? They then tried to discover how they could stay in Australia after their visas expired. Some 17,000 of them have lodged applications for refugee status” (1992b, p. 3142).

179 Peake described the committee as “powerful” and noted that membership included National Party Leader Ian Sinclair and former immigration minister Clyde Holding (1990, p. 13).
the size and nature of the problem that we have to address. The numbers are greater than the total migration program for this country” (1990, p. 1563).

Alan Moir’s ‘The Boat People’ cartoon was published in the Sydney Morning Herald after the government announced that it would cut the 1990-91 immigration intake, provide new four year, temporary entry permits to Chinese nationals and adopt a new framework for refugee determinations. Moir’s cartoon has Prime Minister Hawke determinedly rowing the boat ‘Cabinet’, whose tattered immigration policy mast hangs limply, unable to capture any breeze or momentum.

The Hawke Cabinet was exhausted after a marathon debate agreed to cut intake numbers from 140,000 to 126,000 (Grattan & Peake 1990). Hawke had “insisted” that Cabinet agree to his commitment that 20,000 Chinese students not be returned to China, with the introduction of a four year temporary entry permit. The students would be granted permanent residency at the end of the four years if human rights in China had not improved and if they still had a well-founded fear of persecution180 (Grattan, Peake & Masanauskas

180 From 1 August 1990 all Chinese nationals granted the four year temporary entry permit had access to a range of government benefits and programs. These included Special Benefit, Family Allowance, Family
1990). If human rights improved in China, the temporary entry permits would not be reissued and students would be required to return to China. However Lewis reported that Chinese students, while relieved at the decision, still felt as though their lives were in “limbo” (Lewis, 1990, p. 4).

Moir’s cartoon, titled ‘The Boat People’ suggests that the Hawke ‘Cabinet’ was floundering and possibly lost, in dealing with the complex issues associated with allowing 20,000 Chinese students to remain in Australia (Editorial Sydney Morning Herald 1990, p. 12). Grattan noted that an earlier migration scheme, the English Language Intensive Course for Overseas Students (ELICOS) was a “rort of huge dimensions” which was used “by the Chinese in particular… to enter Australia with the prime intention of bucking the system and staying” (1993, p.135).

The issue of Chinese over-stayers, and the costs to the government for compensation¹⁸¹ had been raised in Cabinet Grattan says on “many occasions” but had not been addressed. The result was an “an example of putting the quest for export dollars ahead of the normal tough checks for people coming into Australia” (Grattan 1993, p. 135). As indicated earlier, the Hawke government had encouraged skills and business migration, however in the case of the Chinese nationals who were granted refugee status there was a convenient blurring of economic and humanitarian considerations. Moir is suggesting that in its deliberations over refugees, the Cabinet itself had become boat people, floundering in the larger challenges of controlling the movement of people to Australia.

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¹⁸¹ Grattan says that students had paid for English language courses for which they were unable to get entry permits, requiring the government to pay $50 million in compensation. As well many of the language colleges providing courses went “broke” (Grattan 1993, p. 135).
Temporary Protection for Chinese Nationals

Ron Tandberg’s pocket cartoon, published in The Age, was also a response to the government’s decision on Chinese nationals outlined above for temporary entry permits. Tandberg has Prime Minister Bob Hawke at a press conference explaining “We are offering them temporary permanency.” Tandberg’s use of the statement highlights the apparent oxymoron in the decision to grant the Chinese students temporary protection for four years, which could be extended to permanent residency if circumstances in China deteriorated. What’s contradictory about the Hawke government decision is that it acknowledged that the Chinese qualified for refugee status for twelve months post-Tiananmen Square massacre, but would not grant them permanent residence in Australia on the basis of their circumstances. While a further four years of refugee protection was provided on the basis of ongoing fear of persecution in China, any further decisions regarding refugee status were subject to human rights improvements in China. Unlike previous decisions where refugee status had been granted in Australia, and permanent residence followed, this decision was contingent on what happened in the future in China.

The incremental and temporary provision of refugee status brought a new element to Australian refugee policy development. A new refugee category was created for the Chinese,
but the same incremental and temporary provision of refugee status was now to be applied to all on-shore refugees. Most importantly for this analysis, the June Cabinet decision also quietly launched a “far-reaching” and retrospective policy shift in the determination of refugee status (Murray 1990, p. 620). Murray says the decision, announced in a “low-keyed media release” and “passed largely unnoticed in the media and public” (1990, p. 620), created two classes of refugees in Australia with a division based on whether refugee assessment had occurred overseas or within Australia. Historically Australia had granted both off-shore and on-shore refugees permanent residence. However the new policy gave on-shore refugees, those most likely to be ‘boat people,’ temporary entry permits which were valid for a maximum of four years. These refugees were still eligible to apply for permanent residence, but this was subject to the availability of places in the immigration program. In the event of that residency was denied, and refugee status continued, there was provision to extend a temporary visa (Murray 1990).

Murray (1990) notes that the changes to the onshore refugee determination process adopted for the first time, a definition for humanitarian arrangements for those outside the UN Convention definitions. In his analysis of the contested issue of defining a refugee, Murray quotes the 1979 UN Handbook on Procedures and Criteria for Determining Refugee Status, which uses the familiar “well-founded fear of persecution” definition, and also states “there is no universally accepted definition of 'persecution', and various attempts to formulate such a definition have met with little success” (cited in Murray 1990, p. 621).

With this clarification Murray (1990) argues that the new Australian definition of a refugee as someone “facing a grave and individualized threat to their lives” was actually more stringent than the UN Convention itself. As well a number of the UN Handbook provisions for the determination of refugee status were absent. In particular there was no process for the review of determinations. This meant that the changes to Australian refugee policy for on-shore arrivals adopted a narrower definition of who was a refugee, and once that decision was made there was no right to appeal (Murray 1990).

Murray says the changes meant that “Australia joins the ranks of countries willing to provide only temporary solutions, effectively becoming not only a ‘country of first asylum’, but also a country of uncertain sanctuary” (Murray 1990, p. 620). Australia was building a careful and systematic regime of punishment and deterrence for those who arrived on boats. I want to
suggest that these policy solutions were based less on the small numbers of asylum seekers arriving in boats, and more on concern with managing the far greater issue of illegal migrants.

As indicated earlier, the issue of illegal migrants was a growing source of panic, but as Cronin argues illegal entry did “not necessarily indicate a failure of the immigration control model, or that there [was] a need for new, tougher controls” (1993, p. 86). Cronin suggests it may simply be a processing error, “a failure to scrutinise entrants intentions and their circumstances before granting them temporary stay” (1993, p. 86). Yet the issue of illegal migrants, and on-shore refugees were conflated largely because of the ambiguity regarding the status of Chinese nationals, some of whom were treated as refugees, and others, after the June 1989 deadline, were classified as illegal over-stayers. Between 1989 and 1992 there were 26,625 applications for refugee status lodged by Chinese nationals in Australia (Cronin, 1993, p. 86). 182 The pressure of numbers and community perceptions of a system out of control pushed the need for policy solutions. The policy solutions adopted were certainly harshest for Cambodian boat people. Yet under Minister Hand, more was to come for refugees arriving in boats.

182 Cronin says there were 21,000 Chinese nationals in Australia at the time of the Tiananmen Square massacre and that “…a further 24,838 students arrived between 1 July 1989 and 31 May 1991” (1993, p. 87).
‘We want to be part of Asia – we don’t want you part of us’
Les Tanner, The Age, 7 May 1992

The Migration Amendment Act 1992 and Mandatory Detention

Les Tanner’s cartoon ‘We want to be part of Asia – we don’t want you part of us’ published in The Age captured precisely the Australian government’s crude and brutal attitudes towards boat people on one hand, and its view of Asia as the site of economic opportunism and future prosperity on the other. Tanner has captured the deep contradiction between the government’s social policy, and economic and foreign policy areas. The former was dominated by white nationalism which was tempered by multiculturalism, and the later by neoliberal globalisation and open market agendas. Tanner has a severe looking Minister Hand, standing on a deserted beach on the West coast of Australia, telling an exhausted Asian couple, who we assume are boat people, that “we don’t want you”.

Tanner’s cartoon explicitly states the deterrence message of the nations’ on-shore refugee policy. The other part of Hand’s comment, “we want to part of Asia,” is a reference to the Labor government’s economic and foreign policy focus on Asia, led initially by Hawke and Evans. However it was new Prime Minister Paul Keating’s “emphasis on Australia’s destiny within the Asia-Pacific” which consolidated the Asian push in external policy (Kelly 1994, p. xxi). Watson argues that for Keating “Australia’s trade and Australia’s security – Australia’s future, in other words, - lay with Asia” (2002, p. 77). Burke argues that just as Whitlam had proposed that “Australia’s destiny is inseparable from Indonesia’s” Keating’s “full expression of Australian nationhood” lay in the Asia Pacific region (2008, p. 5). Delivering the 2002 Manning Clarke lecture Keating explains his government’s thinking; “…we did believe that all Australia’s vital interests coalesced in Asia. That Australia needed to find its security in Asia, not from Asia. But it was always Australian interests we were talking about, not Asian ones” (2011, p. 14).

Tanner’s references were twofold. The first was Australia’s broad interest in fostering economic and foreign policy relations with Asia evident in Keating’s particular proposal for regular heads-of-government meetings with Asian leaders to promote greater Asia-Pacific cooperation (Camilleri 1990). The second were a range of amendments to the Migration Act initiated as part of Minister Hand’s reform agenda that were “aimed at increasing the control
which the Government may exercise over the migration program” (1992, p. 2678). These reforms represented the “we don’t want you” side of Tanner’s cartoon. Hand claimed that with these Migration Amendments he had “the interests of this nation in mind” (1992a, p. 2389). Two of the amendments were to irrevocably change Australian refugee policy. Hand recognised something of the significance of the changes he was introducing when he made the following statement:

The Government is conscious of the extraordinary nature of the measures which will be implemented by the amendment aimed at boat people. I believe it is crucial that all persons who come to Australia without prior authorisation not be released into the community. Their release would undermine the Government’s strategy for determining their refugee status or entry claims. Indeed, I believe it is vital to Australia that this be prevented as far as possible. The Government is determined that a clear signal be sent that migration to Australia may not be achieved by simply arriving in this country and expecting to be allowed into the community (1992a, p. 2370).

The decision to detain all boat people, once assumed to be a temporary measure, now required that people would be held in custody for 273 days (nine months) during which time the person’s refugee claim would be assessed by the Department of Immigration. Those found to be refugees were to be released into the community immediately. If not, the Department of Immigration would undertake “removal as soon as practicable” (1992a, p. 2370). Maley argues that this “deprivation of liberty is intrinsically punitive” (2004, p. 151). Moreover his says that the claims that “detention is ‘administrative’ not punitive, is … a legal fiction” (2004, p. 151). Hand’s second measure was to nobble the judiciary and he described the significance of this amendment in the following way:

The most important aspect of this legislation is that it provides that a court cannot interfere with the period of custody. I repeat: the most important aspect of this legislation is that it provides that a court cannot interfere with the period of custody. No law other than the Constitution will have any impact on it (1992a, p. 2370).

The tide had certainly turned since April when Hand had described Australia’s system as the “Rolls Royce of processing and he was happy for it to be scrutinised in court (Betts 1993, p. 13).

Opposition Spokesman on Immigration Phillip Ruddock enthusiastically supported mandatory detention and the government’s instance on the legality of detention. Ruddock argued that the previous system was “cumbersome, outdated and silent as to leave doubt in the minds of
some as to whether or not people held in custody can continue to be so held” (1992a, p. 2373). Importantly Ruddock also endorsed the need to limit the power of the courts, stating “It is our view that no court should have ‘the authority to undertake the release of people into the community contrary to the express wish of the Parliament’” (1992a, p. 2373). Ruddock identified Coalition concerns with the refugee program as the loss of border control and the need to determine who comes to Australia. Ruddock’s 1992 statement in support of the government’s amendments is a portent of the future and demonstrates how both Labor and the Coalition had problematised on-shore refugees;

The coalition is of the view that we are facing very serious problems in relation to the issue of illegal entrants, asylum seekers and refugees. We see these problems, as they are evident at this time, as signifying a real loss of control of our borders in relation to determining who shall or shall not enter Australia permanently. We are of the view that maintaining control of our borders and asserting our right to determine who does or does not enter Australia for permanent settlement remains the single most important principle underlying our migration program. It is imperative that Australia sends a very clear message internationally and makes it clear to all those who seek to manipulate the system by making spurious claims, that they will be removed as quickly as possible (1992, p. 3127).

Both Hand and Ruddock, as one in their bipartisan fervor for mandatory detention and the “shackling” of the courts (McMaster 2001, p. 82) both nonetheless expressed an ongoing commitment to Australia’s international obligations regarding refugees. Hand reassured the Parliament that

Australia will, of course, continue to honour its statutory and international obligations as it always has done. Any claims made by these people will be fully and fairly considered under the available processes, and any persons found to qualify for Australia’s protection will be allowed to enter (Hand 1992a, p.2370).

McMaster notes that while UNHCR recommendations sanction detention this is only “when it is necessary and reasonable to do so, and without discrimination, and for a minimum period” (2001, p. 70). The long detention of Cambodian refugees was clearly in breach of the UNHCR guidelines. There was early evidence of the detrimental impact of detention with the report of a 30 year old Cambodian man refusing food, shaving his head and barricading himself in his room (Lloyd & Taylor 1992). The deterrence intent of the Migration Act amendments were in breach of the UNHCR guidelines yet this deterrence message was a constant for the Hawke-Keating government and was continued by all future Australian governments.

An “Invented Tradition” of Generosity
The irony of claiming that refugee assessments would be “fairly considered” and that Australia would “honour its statutory and international obligations” was made clear by then Human Rights Commissioner Brian Burdekin who argued that the legislation breached Australia’s international treaty obligations on human rights. Burdekin said that “the right to have detention reviewed by a court and to be released if the court found the detention was unlawful was fundamental to Australia’s legal system” (Lloyd & Taylor, 1992, p. 3). Moreover the claim by Hand that Australia would “honour its statutory and international obligations” brings to mind Hobsbawm’s notion of “invented tradition” (cited in Dauvergne 2004, p. 85).

Hobsbawm (1983) brings a historian’s eye to his argument that an extensive range of ‘traditions’ including nationalism, national flags and anthems, as well as religious, political and cultural practices are ‘invented.’ In this he suggests “invented tradition” functions ideologically with three identifiable and “overlapping” models concerned with building social cohesion and group membership, creating and legitimising institutions, status and systems of authority, and socialising beliefs, value systems and forms of behaviour” (Hobsbawm 1983, p. 9). The creation of nation states is an obvious “invented tradition”; but I want to suggest that values and beliefs about the nation and its practices are part of this larger invention. The repeated claims by Australian politicians regarding Australia’s adherence to UN conventions and treaties and the nation’s generous treatment of refugees might also be considered “invented tradition.”

An example of how readily this invented tradition is deployed comes from Refugee Week in 1994 when Jim McKieran, then chair of the JSCMR commended the government’s decision “to continue the largest resettlement program per capita in the world” (1994, p. 1716). At the same time, Democrat Senator Sid Spindler noted “with concern” that Australia’s refugee intake had actually declined from “nearly 22,000 in 1981-82 to 12,000 in 1991-92” when the number of refugees globally had doubled in the decade 1981 – 1991 (1994, p. 1814). Claims such as McKieran’s suggest that Australia has a tradition of sound and long standing adherence to the intent and policies of the UN regime, particularly in relation to refugees. Yet the 1992 Migration Act amendments, Australia’s earlier minimalist engagement in refugee policy and later developments, particularly in terms of both the small numbers of refugees resettled in Australia, and the harsh treatment accorded to refugees, reveal a mixed and contradictory record when tested against the rhetoric and “symbolic vocabulary” of adherence and honour (Hobsbawm 1983, p 7).
Australian discourses of refugee generosity and the honouring of statutory and international obligations serve as a legitimising device, reinforcing support for the liberal values and human rights proclaimed in the UN conventions and treaties. But when tested against the evidence of numbers of refugees settled in Australia, it is clear that the claims to generosity are a myth. It is ironically at the precise moment when new, harsher refugee laws are proposed and adopted that these myths are trotted out as a legitimising device. The myths of Australian generosity and humanitarianism appear in marked contrast with the paradox and hostility of Australia’s engagement with refugees.

‘The boat people would make a grisly discovery – signs of a struggle, a hand but no lawyer’


**The Migration Amendment Act 1992 and the Removal of Judicial Review**

Bill Mitchell’s cartoon above appeared in the *Australian* and was another cartoon response to the Migration Amendment Act 1992. Mitchell’s cartoon is particularly concerned with the removal of judicial review aspect of the Amendments. Mitchell has constructed a crime scene with Minister Hand partly hidden in bushes, physically dragging a member of the judiciary away. The victim’s briefcase and wig, talisman of the law, are left strewn on the beach. In the distance a refugee boat is heading towards the west coast of Australia.
Mitchell provides a narrative for the crime which reads “The boat people would make a grisly discovery – signs of a struggle, a hand but no lawyer.”

It is an amusing and clever representation suggesting that the loss of judicial review is a sleight of hand, a now-you-see-it-now-you-don’t moment. Mitchell is also playing with the Minister’s name. Mitchell has shattered the myth of Minister Hand honouring any statutory and international obligations by representing Hand as a criminal involved in a bloody deed. This is significant because the amendment was designed to prevent the Federal Court hearing (scheduled for two days later in Melbourne), to consider the fate of 37 Cambodians, who had been in detention for two years.

The Court under Justice McLoughlin was to review the refugee status of the Cambodians, but the amendments ensured there would be no court case. The Cambodians had challenged the legal right of the government to detain them under section 88, which was the only section of the Act that could possibly be used as the basis for their detention (Short 1994, p 2705). Cronin says the Minister’s case was that “it is Parliament’s right to determine what is to be done with non-citizens such as boat arrivals” (1993, p. 101).

Press commentary was mixed and focused less on the introduction of mandatory detention and instead highlighted the range of views regarding the decision to remove judicial appeal of refugee decisions (Easterbrook, 1992). Writing in the Australian conservative commentator PP McGuiness excelled himself with the observation that these were not refugees in the “traditional sense” but rather he claimed “they arrive on Australian soil by what is tantamount to invasion and do so because of the impossibility of preventing their landing” (1992, p. 8). Moreover McGuiness suggested the refugees were “exercising moral blackmail” by throwing themselves on the world’s mercy. For McGuiness the issue was maintaining control of the immigration system at any price. He stated “if we are to retain control over immigration into Australia, fairly draconian measures to deal with illegal immigration are necessary” (1992, p. 8).

In contrast, the Editorial in the Sydney Morning Herald highlighted the unfairness of a decision that had “singled-out one group of would-be refugees” while “thousands of Chinese are still

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183 This case became known as the Lim case after one of the plaintiffs.
being considered for refugee status but no-one is considering detaining them while their applications are processed” (Editorial, Sydney Morning Herald 7 May 1992, p. 12). The Editorial argued for retaining an appeals process in refugee determination decision making claiming “No matter how fair a system of administrative appeals may be, it remains a bureaucratic process vulnerable to inflexibility and political pressures” (Sydney Morning Herald 7 May 1992, p. 12). While support for judicial review was evident, there was a final sting in the Editorial’s tail with the closing comment that “there must be a way of weeding out the bogus ones from the suitable ones” (Sydney Morning Herald 7 May 1992, p. 12).

The Australian Editorial was critical of the legislation, describing it as “morally unacceptable,” “unconscionable legislation,” and arguing that it was a “retrospective and temporary” measure (Editorial The Australian, 8 May 1992). The Editorial supported mandatory detention stating that “as a general principle it is undeniable that illegal immigrants should not be allowed to roam the country” however it advocated for determinations to be “judged fairly, according to international norms and without unreasonable delays” (Editorial The Australian, 8 May 1992). As well the paper suggested that the Cambodians whose right of appeal had been removed, had a “claim to exceptional understanding and accommodation” because they had already “spent an inordinately long period of time in detention” (Editorial The Australian, 8 May 1992).

Just six months later, Minister Hand was changing the rules for refugees again with the Migration Reform Bill 1992 which extended mandatory detention to all “unlawful non-citizens” not just designated persons (Phillips & Spinks 2013). The focus had widened from Cambodian boat people to include any person suspected of being unlawful. Describing the amendments as “more effective” the Bill aimed to provide “a uniform regime for detention” (Hand 1992a, p. 2620). The reforms were needed according to Minister Hand because

There are people who are intent on bypassing the established categories of entry into this country. Some do this by trying to avoid immigration processing altogether by arriving in Australia without authority. The boat people are a good example. Owing to weaknesses which have been inherent in our migration laws for many years, these people are often successful. Many manage to stay here, even though they do not fall within the specific visa categories, which is the only lawful way to enter and stay in Australia. At the very least, many manage to delay the substantive decision on their case and, as a consequence, their departure, by using the courts to exploit any weaknesses they can find in our immigration law. This must stop (Hand 1992a, p. 2620).
The problem for Hand was clear; refugees were simply ignoring the entry laws, as though they were traffic signs propped in the Indian Ocean. This clarity made the government’s objectives plain: “enhance the Government’s control of people who wish to cross our borders” (Hand 1992a, p. 2620). The measures announced under the Migration Reform Bill included the establishment of a Refugee Review Tribunal for onshore refugees, the removal of the 273 day detention limit, and a detention charge for those found to be unlawful (Phillips & Spinks 2013).

The visa had become the stick with which the Australian government would manage immigration, and the absence of a visa created the category of being ‘unlawful’ which in turn meant detention. In practice detention was avoided for most over-stayers who could “acquire lawful status” with a bridging visa (Phillips & Spinks 2013, p. 7). This option was not available to boat arrivals. Phillips and Spinks note the Department of Immigration and Ethnic Affairs justification for detaining asylum seekers was based on the fact that they had “bypassed the offshore entry process required by Australia’s universal visa system” (2013, p. 7). The authority of the visa, a simple construction for measuring and granting legality, had become the nation-state’s key weapon for managing illegal migration. Despite refugees not being illegal migrants under the terms of the Refugee Convention (Dauvergne 2008) boat people arriving on Australian shores were expressly targeted as illegal, and could be punished indefinitely.

Together the Labor government and Coalition opposition had created a new regime of control by silencing the courts, distinguishing between border refugee claimants and off-shore refugees, and by keeping border refugee claimants indefinitely in custody. This was done, politicians argued, in the national interest. Cronin (1993) argues that these measures, part of the “already bulging armory of migration control devices” met the political ends of both the Government and the Opposition. For the Government, Cronin says the adoption of “control rhetoric and control solutions…obscure their policy failures of processing shortcomings by the department” (1993, p. 87). Cronin also points to a wider and more pervasive “Australian immigration mythology… redolent with fear, with anxieties about the size, composition or profile of the immigration program” which helps to explain Australia’s bipartisan control fetish (1993, p. 87). While control is central to this mythology, Cronin notes that
...the fear of uncontrolled or under controlled immigration to Australia is certainly real. The fear may not always accord with objective reality. It appears to be sufficiently real that politicians, journalists and the department feed the fear rather than seek to explain it away (1993, p. 87).

Fears of uncontrolled migration turned on stories of crisis, and the large numbers of unprocessed, on-shore refugee claimants was represented as a crisis for the Department of Immigration and Ethnic Affairs. Phillip Ruddock’s comments reflected the magnitude of this perceived crisis when he stated “notwithstanding water boundaries and a visa system, we have a crisis which I think is comparable with that in Europe and in North America” (1992b p. 3142). Committee Chair, Andrew Theophanous in his foreword to the 1992 JSCMR report, proclaimed ominously the magnitude of the refugee crisis;

...over the last decade, a refugee crisis of proportions not seen since the Second World War has been developing on a global scale... The dramatic growth in on-shore asylum seekers is a major international problem, which is likely to become considerably worse (JSCMR 1992, p. iii).

Explaining how Australia and the United States, Canada, the United Kingdom and a number of European countries had amended refugee laws and processing arrangements, Theophanous said the aim of these reforms was “to achieve a balance between ensuring protection for genuine refugees and maintaining control over refugee systems to guard against abuse” (JSCMR 1992, p. iii). In Australia the principal weapon for responding to the crisis was to ensure that parliament rather than the courts were responsible for migration policy making. Crock says “Put in crude terms the courts were seen to be letting in people that the government, acting through its bureaucracy, wanted to keep out. They were threatening the legal structures designed to keep the invading hordes out” (1993, p. 21).

Claims of a refugee crisis in Australia were unsubstantiated. However as Mares (2001) notes it was the policy responses to this perceived crisis which were disproportionate. Carrington also notes the small numbers of refugees, and gets to the nub of the issue stating “The problem, however, is not one of size, but one of politics - a politics of inclusion and exclusion which calls upon nation-states to discriminate in favour of their citizens against non-citizens” (2006, p. 181).

Writing in the Australian Sheridan provided a detailed account of the treatment of the

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Cambodian refugees. He argued that while Minister Hand had developed a “bunker mentality on the boat people issue” the delay in assessing the Cambodians rested with the Department of Immigration (1994). The first Cambodian arrivals, who came in a boat code named Pender Bay in 1989, had submitted their refugee applications without the assistance of a lawyer and were detained at Villawood in Sydney. They were subsequently moved to a camp near Darwin, and then on to Port Headland. By 1992 the Refugee Council appealed their original rejection. The Minister intervened, “citing a defect in the process” (Sheridan 1994). By 1993 new Immigration Minister Nick Bolkus had created a barter arrangement for Cambodians which urged them to return to Cambodia for a year and then apply for permanent residence on humanitarian grounds (Viviani 1996). Some sixty-four Cambodians accepted this deal, forty-two had earlier returned to Cambodia, leaving more than one hundred others in detention (Sheridan 1994). For Viviani (1996) this was further evidence of selective ministerial discretion. Sheridan was more damning in his assessment of the treatment of the Cambodians, describing it as a

…grievous injustice… the whole saga represents government and bureaucratic failure on many levels… the length of detention has become the key human rights issue. And here the boat people saga shows the continuing dark side of the Australian psyche. By international standards we have a small problem – a couple of hundred boatpeople over four years. Yet we run one of the harshest detention regimes. All it takes is a few dozen boat people landing in northern Australia and all the dark fears about the Yellow Peril rush back to the surface. The harshness of our policy and its cost, are wildly disproportionate to the “risk” these innocent Cambodians posed to us (1994).
Judy Green’s cartoon “From the red dragon into the red tape” was a response to the arrival in Darwin of boats from China carrying “illegal Vietnamese Chinese migrants” (Middleton 1994, p.1). Hundreds of people had arrived and government officials suggested that as many as 20,000 more people could arrive creating “Australia’s worst refugee crisis in 15 years” (Middleton 1994, p.1). For Green, the large dragon symbolizes China, and the red tape represents the bureaucratic machinery of the Australian government. A boat crowded with asylum seekers sits precariously balanced between these emblems. Green captured the policy dilemma in which the Chinese nationals were caught: the Chinese government refused to accept the return of the asylum seekers unless they returned voluntarily; the Australian government refused their claims to refugee status.

Immigration Minister Bolkus overlooked any possible refugee claims and instead implied that the refugees were like unwelcome guests, imposing themselves on Australia. Bolkus also used the opportunity to reiterate the value of Australia’s detention regime stating
The fact is we want to send a very clear message to anyone who is intending to come to Australia illegally by boat with no valid claim that the doors are closed. Obviously detention is an important part of our response. Detention has been criticised in the past, but I think the value of detention cannot be underestimated (cited in Brennan 2003, p. 91).

His message spelt out a narrative of rejection to illegal migrants and warned that detention would be applied to those who attempted to come anyway. Bolkus defended the actions of the government against critics stating “It’s quite easy for groups of people in Sydney or Canberra to say there won’t be hoards (sic) of boats but the reality is, like in the United States, if you don’t send a strong message you get boats by the bucket loads” (cited in Fray 1994, p. 27). However from its outset, there was no evidence that detention acted as a deterrent. More importantly it was likely that asylum seekers who came by boat to Australia were indeed found to be refugees.

Conclusion

The Cambodian refugees were the switch point for Australian refugee policy in the late 1980s. The legislative reforms introduced by the Hawke and Keating governments, with bipartisan support to deal with Cambodian and Chinese refugees arriving by boat transformed Australia’s refugee policy regime. The new measures introduced at this time included mandatory detention, the removal of judicial review, temporary protection and the new category of onshore refugees. New refugee discourses emerged to legitimise these measures which created mistrust, doubt and suspicion about the authenticity of asylum seeker and refugee claims. Collectively the reforms and discourses provided a new means of exclusion with less overt emphasis on race, and more on questions of asylum seeker and refugee legality and legitimacy. Older patterns of racial exclusion and vilification were now being deployed against people seeking asylum in boats.

Bashford (1998) and Bashford and Strange’s (2002) historical accounts of detention in Australia argue that not only is the detention of asylum seekers part of Australia’s “history of race-based exclusion” it also formed part of the nation building practices of ‘Fortress Australia’ (2002, p. 510). Pointing to internment camps, quarantine stations and detention centres, Bashford and Strange suggest linkages in which “foreignness, enemy status, dangerousness and undesirability” are “conflated” around issues of national security (2002, p.
511). Noting the remote location of detention centers in Australia, Bashford and Strange argue this too is part of the pattern of isolation and exclusion.

Through crude and repetitive lawmaking, the bipartisan parliament eventually won the battle against the judiciary for the power to define and detain refugees. Moreover Grewcock argues that mandatory detention was simply normalised “as a legitimate exercise of arbitrary state power” (2009, p. 146). The passage of reform legislation over the period 1989 – 1995 demonstrates there was no clear vision of what Australia’s refugee policy regime would look like. Rather it is a sorry tale of piecemeal and dogged persistence and determination to remove loopholes amidst a rhetoric of crisis and deterrence.

Viviani (1996) argues that the logic and thinking about a crisis of Indo-Chinese boat arrivals, and the detention-deterrence policy response were indeed flawed. There was no crisis but the talk of crisis and the power of deterrence for a crisis which did not in reality exist, was a “public demonstration that... Australia’s borders were not ‘under control’” (Viviani 1996 p. 27). This myth making was played out with the lives and human rights of Cambodian asylum seekers. But other myth making was also at work as the image of the border was developed in public and political consciousness. Talk of the border, and border control were new to Australia and would become essential in the next stage of refugee policy development which was borne in with the 1996 election of the Coalition government of John Howard.

Finally it is worth noting that cartoonists’ engagement with the Hawke and Keating governments’ refugee policy reforms is limited. While the dramatic events such as Tiananmen Square offer cartoonists some scope for political cartoon commentary, mandatory detention and the removal of judicial review of detention received little attention from cartoonists. The cartoon emphasis is focused more on the politicians, particularly representations of Immigration Minister Gerry Hand who ushered in the substantive changes to asylum seeker and refugee policy during the early 1990s. Tanner and Mitchell’s cartoons, which also focused on Hand, were exceptions to this trend with their representations of key aspects of reform.

I would suggest that it is only with the benefit of hindsight that it is possible to appreciate the importance of these reforms for Australia’s refugee policy regime and it is likely that the cartoonists, like the media and public more generally underestimated the significance of these
reforms both for the small cohort of Cambodian asylum seekers who were detained in remote Australia, and refugee policy direction more broadly. Throughout the mid and late 1990s refugee policy and politics were not a subject cartoonists readily engaged with. Political cartoon coverage is sparse until the dramatic events of *Tampa* demanded to be drawn and refugees occupy a central place in media coverage. In the following chapter the cartoonists readily engage with the race politics of Howard, Hanson and One Nation, Kosovo refugees and the refugees who continue to arrive in boats.
Chapter 7  The New Fortress: Howard, Hanson and refugee exclusion 1996 – 2000

The refugee policy measures developed in the late 1980s and early 1990s by the Keating government represented a significant break with Australia’s tradition of humanitarian support for refugees. These measures, which included mandatory detention, launched a more hostile approach towards asylum seekers and refugees which by 2001 resulted in the dramatic Tampa standoff, the deployment of the military and the excision of Australian borders. As this thesis demonstrates, the story of how Australia’s exceptional and extraordinary policy regime emerges is a tale of incremental and bipartisan policy development. It is a paradoxical policy narrative which constantly reiterates Australia’s generosity towards refugees while at the same time adopting policy measures which systematically vilify, punish, remove and exclude asylum seekers and refugees who arrive by boat.

The 1996 election of the Howard government was pivotal to the development of this hostile policy trajectory. The Howard government came to office intent on a project of remaking Australia and national identity. Questions of national sovereignty and who came to Australia were central to this project of race-based, neo-nationalism. Here Howard revived the old assimilation shibboleths of social cohesion and integration to promote and justify cuts to Asian immigration, particularly the Family Reunion program, and to introduce English language requirements for migrants. With masterful dog whistling Howard fostered a race politics which effectively shattered the Australian consensus on race, and promoted a new level of race-based hostility towards asylum seekers arriving in boats.

As part of this racial politics refugee numbers were cut, and asylum seekers and refugees were turned back and deported. Other measures in this trenchant campaign of “domestic closure” (McNevin 2008) included linking the off shore and onshore refugee programs, the privatisation and expansion of detention centres, increased penalties for people smuggling, public education campaigns against people smuggling and the introduction of the Border Protection Bill. An attempt to limit the review powers of the High Court initially failed only to be introduced in 2001. The development of Safe Haven legislation to accommodate the Kosovo refugees initially appears as an aberration. However this legislation paved the way for the adoption of Temporary Protection Visas which denied refugees permanent settlement in Australia.
These measures emerged slowly throughout the 1990s and while Howard could not have foreseen the arrival of *Tampa* in 2001 and its aftermath, the Coalition government did know the power of race in this country. When this was linked with national security, the national response to asylum seekers and refugees arriving in boats was relentlessly unsympathetic. New campaigns of vilification constructed asylum seekers and refugees as illegals and forum shoppers, and people smuggling was problematised as a national threat. When these measures proved to have little effect in reducing the number of asylum seekers arriving in boats, more trenchant measures and accompanying discourses were adopted. Deflecting claims that Australia was a “soft target” for people smugglers the Howard government set about developing a complex “whole-of-government” approach for protecting the integrity of Australia’s borders. These measures finally eroded whatever remained of post war humanitarianism towards refugees. Before *Tampa* the Howard government refugee policy regime was already harsh, explicitly populist, undertaken with widespread political support and costly, supporting McNevin’s claim that refugee policy for neoliberal governments is a “strategic political tool rather a genuine defence of national sovereignty” (2008, p. 612).

The Howard government policies irrevocably changed Australia’s treatment of, and attitude towards, people seeking asylum. Most assessments of both policy outcomes, and the processes of policy reform undertaken by the Howard government, are highly critical. Speaking in relation to refugee claims Hage describes the Howard government’s actions as “some of the most unethical forms of political behaviour Australia has ever witnessed” (2003, p. 4). Here I agree with Maley’s assessment that Arendt’s “metaphor of the banality of evil readily suggests itself to those who come to write about the refugee policy of the Howard government” (2004, p. 144).

While Maley readily concedes that this government cannot be compared to events in Germany, he does argue that “an out-of-the ordinary vocabulary is required to capture it properly” (2004, p. 145). He adopts the ideas of another European refugee, Judith Shklar (1984) whose examination of “ordinary vices” claimed cruelty as the “supreme evil” (1984, p. 8). Maley argues that Shklar’s concept of moral cruelty was “at the heart of the Howard government’s refugee policy” (2004, p. 145). Brett too argues that the Howard

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185 French philosopher Montaigne claimed “Treachery, disloyalty, cruelty, tyranny... are our ordinary vices” (cited in Shklar 1984, p. 1)
government’s “record of cruelty is greater than previous governments” (2005, p. iv). Moral cruelty is defined simply by Shklar as “deliberate and persistent humiliation” (cited in Maley, 2004, p. 145). Shklar’s ideas of moral cruelty as the “moral tormenting of other people” (1988, p. 41) and the “radical spirit of denial” (Shklar 1988 p. 42) begins to capture in some ways the Howard government treatment of asylum seekers and refugees at the end of the twentieth and beginning of the twenty-first century in Australia.

This chapter examines both how the Howard government cultivated the political capital which enabled a radical reform of asylum seeker and refugee policy, as well as the policy reforms themselves. It tells of Howard’s dog whistling to the mainstream, the incorporation of Pauline Hanson and One Nation’s race politics with his own, and his appeals to sovereignty in order to carefully construct a new fortress of “domestic closure” (McNevin 2008) to deter and exclude asylum seekers and refugees arriving in boats.

**Howard’s Mainstream Electoral Appeal**

The Coalition project of remaking Australia began with Howard’s first campaign speech in which named and identified his target audience; “a frustrated mainstream” who “feel powerless to compete” for government attention against the influence of “the noisy, self-interested clamour of powerful vested interests with scant regard for the national interest” (cited in Fear, 2007, p. 24). Howard’s “frustrated mainstream,” were those who felt “resentment” (McClelland & St. John 2006, p. 183) at the Hawke and Keating government legacy. The Hawke-Keating governments had created a climate of economic vulnerability and insecurity, caused by a volatile mix of recession, high interest rates, high unemployment, greater targeting of welfare payments, loss of full time work for men and increased housing costs. Saunders says “seen from the long sweep of history, the 1990s will be remembered as a decade when unprecedented prosperity was accompanied by rising economic insecurity, social alienation and growing unease” (2002, p. 3).

It was in this context of the “paradox between economic success and social decline” (Saunders 2002, p. 6), that Howard’s ‘mainstream’ audience would emerge. Brett argues that Howard’s “sharpening up of patterns of grievance in the Liberal Party’s symbolic tool kit” allowed him to tap into a “politics of grievance and resentment” (1997, p. 14-15). Brett suggests that the appeal worked because people were “feeling aggrieved” (1997, p. 14). But
Howard had to find a language with which to “appeal to the bulk of Australians who felt left out of the Keating vision for Australia” (Errington & Van Onselen 2007, p. 223).\(^\text{186}\)

Howard sought an inclusive language to describe being Australian, and which avoided both the perceptions of ‘special treatment’ and so-called ‘elites’ which had emerged under Keating. Howard’s dog whistle language included the terms “national interest, ordinary Australians, middle Australia, the battlers, even labelling undesirable behaviour as ‘un-Australian’” (Errington & Van Onselen 2007, p. 225). Howard stated in his ‘Role of Government’ speech that Australian identity “ought not to be the political plaything of one or other side of politics. We should not politicise the Australian character” (1995b). Yet Johnson (2007) argues that Howard did the very thing which he promised he would not to; politicise Australian identity. Kelly says Howard rejected Keating’s “multicultural Australian republic tied to Asia” (2002, p. 6) and in its place, constructed a “citizen norm” based on “ethnic, religious and ideological assimilation” (Johnson 2007, p. 205).

Howard claimed that “it is not the role of any political leader to politicise patriotism” (1995a) but a race-based, neo-nationalism was born with his promise “Under us, the views of all particular interests will be assessed against the national interest and the sentiments of mainstream Australia” (1995b). This “conservative mobilisation” had gained momentum, Markus argues, through the earlier efforts of Hugh Morgan and Geoffrey Blainey in the 1980s with their respective claims regarding land rights and immigration policy reform (Markus 2001, p. xiv). John Howard’s positioning of race politics as central to the Liberal project of remaking Australia meant that Keating’s grim forecast, “when the government changes, you change the country”, was to echo tellingly through the next eleven years (cited in Starr, 1997, p. 36). Not surprisingly the Howard government’s first changes were to the immigration program.

\(^{186}\) Errington and Van Onselen (2007) say that the terms ‘middle of the road’ and ‘middle ground’ were both tested and found inadequate.
Immigration Reform Under Howard

For Howard decisions regarding which groups of people could enter or be excluded from Australia became a question of sovereignty. Howard had made this clear when he rejected Hawke’s motion against racism in 1988 on the grounds that it “limited the sovereign right to determine the entry of people into this country” (Jupp, 2002, p. 128). Once in office Howard began a careful and systematic reform of immigration and refugee policy.  

Errington and Van Onselsen (2007) argue that the initial removal of the Office of Multicultural Affairs from the Department of Prime Minister and Cabinet, and the shift of the immigration portfolio to the outer ministry were clear evidence that multicultural, immigration and refugee policies would be transformed under Howard.  

187 The Howard government’s first budget represented a mix of targeted slash and burn, and new money for policy priorities; $11 million for capital works at the Port Hedland Immigration Reception and Processing Centre; $5 million on an anti-racism education campaign; and additional funds for English language training. The 1996-97 Budget also increased fees and charges for a range of immigration services “…in line with the Government’s user-pays policy” (Ruddock 1996c). However refugees and asylum seekers were exempt from English language tuition fees. The budget also proposed removing welfare payments to family reunion migrants. Refugees and asylum seekers in the Humanitarian Program were able to access welfare payments for two years. In addition the Australian Council on Citizenship was funded to undertake a review of citizenship including “residence, fluency in English and the pledge of commitment” (Ruddock 1996c). This move would lead to tightening of possible family reunion sponsors and over the longer term make Australian citizenship a stick with which to cultivate nationalism.  

188 The name of the department also changed from the Department of Immigration and Ethnic Affairs to the Department of Immigration and Multicultural Affairs in 1996. Manne (2004) argues that the abolition of the
Mark Knight’s \(^{189}\) cartoon above, which was published in the *Herald Sun*, was a response to the announcement of the “dramatic changes in the family reunion intake” (Betts 2003, p. 182). Despite promising to keep immigration intakes at the same level, new Minister for Immigration and Multicultural Affairs Phillip Ruddock announced cuts to the immigration intake \(^{190}\) and a halving of the family reunion quota (Errington & Van Onselen 2007). Knight’s cartoon has Prime Minister John Howard, dressed as a uniformed immigration official, assessing the skills of an Indo-Chinese refugee, and finding that her skills surviving the Vietnam war, raising her children, fleeing the communists, escaping onto a boat, using her initiative to find food, shelter and keep her family disease free, do not qualify her under the priorities of the skilled migration program. Knight was highlighting the cuts to the family reunion program which meant that skilled migrants were being prioritised over family reunion because of the capacity of skilled migrants to “contribute to and share in Australia’s growth” (Ruddock, 1996a, p.1). Knight makes us see that this Indo-Chinese woman has extraordinary skills and capacities, but within the framework of Australian immigration, these are neither valued nor recognised. Under the changes, preference was given to skilled migration, particularly business migration over family reunion. The changes, according to Ruddock, were designed to “ensure Australia obtains optimal benefit from a non-discriminatory immigration programme” (1996s, p.1).

Betts argues that the immigration policy inherited by the Howard Government was “unpopular, dominated by family reunion, harried by judicial activists, and distorted by political interference” (2003, p.176). Ruddock claimed family reunion had dominated the Labor government migration program which now had to become sustainable given the “high and sustained levels of unemployment” in this category (1996a, p.1). McMaster (2001) says that increasing the emphasis on skilled migration and reducing family reunions were reforms which had been proposed in the 1988 Fitzgerald Report and which Howard had supported in opposition. Speaking to the South Australian Liberal party faithful Howard explained the purpose of reform: “…to shift the balance away from an undue reliance on the family reunion component of the programme towards a greater reliance on skilled migration”(1996).

Office of Multicultural Affairs and the Bureau of Immigration, Multiculturalism and Population Research were ideological decisions, simply reflecting the new Prime Minister’s views on multiculturalism.

189 Sydney born Mark Knight is the editorial cartoonist for the *Herald Sun*. He began his career with a cadetship at the *Sydney Morning Herald* in 1980, moved to the *Financial Review*, then to the *Melbourne Herald* in 1987 which morphed into the *Herald Sun* (Turner 2000).

190 Immigration levels were cut by 10,000 to an annual intake of 75,000 (Errington & Van Onselen 2007).
Moreover Howard assumed that he had the support of the community in making changes to the immigration program. This was evident in his statement: “Over the past few days we've announced some changes in the structure of Australia's immigration policy. They have been criticised by some. I suspect that they are widely supported in the community” (Howard 1996). Ruddock cited “a drop in public confidence” as the key justification for the reduction in the family reunion component of the immigration program. He claimed that under Labor there had been “a major shift … away from migrants who would most benefit Australia” (Ruddock 1996d).

Knight’s cartoon makes clear who the people most likely to be excluded were. As well as articulating the purpose of immigration reform, Howard positioned himself as governing for the “mainstream of the Australian community” (1996). He also railed against political correctness: “we had reached a situation in this country that it was impossible to speak one's mind about certain subjects” and minority groups (1996). In Howard’s mind, minority groups, particularly ethnic minority groups, had seized control of immigration under the Keating government. Howard considered that this ignored the national interest. By linking minority group pressure, and the high unemployment levels in the family reunion category as the key reason for reform, Howard suggested that the policy was creating a national burden;

…the changes do recognise that amongst people who come to this country within the preferential family category, even after the three years, unemployment rates are as high as 30 and 31 per cent in many of those groups. And that is a state of affairs that we do not believe should be allowed to go on completely unattended to and completely unchecked (1996).

Unlike Knight’s representation of a caring mother, no mention was made of the parents, siblings, and children and the contributions they make to family, community and national life.
English Language Requirements

As well as the cuts to the Family Reunion program, the Howard government also introduced new English language requirements for prospective migrants. Bill Leak’s cartoon ‘The English Test’ published in The Australian pays particular attention to this development. Leak has a uniformed Federal Department of Immigration official asking a prospective group of applicants “Now…hands up those of you who know how to spell “racial discrimination”…”. The only hand which has gone up in response to the question belongs to a ruddy cheeked Englishman. Leak’s other applicants all have an Asian appearance and his suggestion is that the majority of applicants for the family reunion program are people from Asia who don’t have English language skills. For Leak, this absence means that they will be treated less favourably than the English speaker in Australia’s immigration system. For him, the policy changes are racial discrimination writ large because English language capacity simply provided a mechanism for determining who was culturally acceptable. Leak shows us that the Department of Immigration has simply replaced the old dictation test with “The English Test”.
Debating the regulations in the Senate, opposition spokesman on immigration Senator Bolkus argued the measure was

…a reintroduction of the old English language test, the old dictation test. Through the mechanisms that this government is pursuing by adding the factor of English language points to the concessional family category, you are denying many people from a non-English speaking background the opportunity to come to Australia (1996, p. 5258).

Bolkus pointed out that the new requirements would particularly impact on people from a non-English speaking background who comprised 63 per cent of the concessional family intake. The application of the test meant that the intake in this category would be halved.

English language skills were prioritised for the family reunion program because Ruddock said "good English skills are the key factor to labour market and overall settlement success for new immigrants" (1996a, p.1). Here the old assimilation shibboleths of social cohesion and integration resurface around employment opportunities for migrants. The paternalism and apparent concern for the well-being of new settlers was less about English language capacity and more about an effective measure of inclusion and exclusion. Howard explained the rationale for the policy change, which had been brewing for eight years, in the following way:

We have done I think quite sensibly, something that should have been done a while ago, and that is to begin to shift the balance away from an undue reliance on the family reunion component of the programme towards a greater reliance on skilled migration. … we have placed a slightly greater emphasis on English language skills. The policy remains absolutely non-discriminatory so far as the racial or national origins of the migrants coming to this country are concerned (1996).

Cuts to the Refugee Intake

By the 1990s the humanitarian program had three components; the Refugee Program which specifically met the terms of the UN Convention for people fleeing their country; the Special Humanitarian Program which was for both people suffering persecution within their own country, and the Global Special Humanitarian Program which was for people forced to leave their country due to gross violations of human rights; and the Special Assistance Category. The Special Assistance Category (SAC) was developed by Labor in 1991 and operated until 2001 to assist

191 Bolkus had been Minister for Immigration and Ethnic Affairs and Minister Assisting the Prime Minister for Multicultural Affairs in the Keating government.
...groups determined by the Minister for Immigration and Multicultural Affairs to be of special concern to Australia and in real need, but who do not fit within traditional humanitarian categories. This program also assists those internally and externally displaced people who have close family links in Australia (Hugo et al 2001, p. 28).

Announcing a reduction of 1000 places in the 1996-97 Humanitarian Program Immigration Minister Ruddock said the cut was needed because of the “ad hoc and unchecked growth in the Special Assistance Category” which “had increased to the point where they were taking up about half the available places under the Humanitarian Program” (1996b).

Crock et al (2006) argue that this linkage of ‘onshore’ and ‘offshore’ refugees treated refugee numbers like a balance sheet, where an ‘offshore’ place was removed every time an ‘onshore’ protection visa was allocated to an asylum seeker in Australia. The result was twofold. Firstly it introduced a new and punitive way to maintain refugee numbers at 12,000 places. Secondly, an “unhelpful rhetoric about “good” (offshore) and “bad” (onshore) refugees” was introduced into refugee policy discourse (Crock et al 2006, p. 18). This became a feature of Coalition representations of asylum seekers which served to “play off the protection needs” of offshore refugees against boat arrivals (Crock et al 2006, p. 18).

**Dog whistling**

In order to usher in these policy changes Howard utilised the strategic weapon which he would return to time and time again throughout his leadership; dog whistling the mainstream on national identity and race. In the 1996 election Howard utilised the expertise of campaign director Lynton Crosby, who was, Fear claims “instrumental to the Coalition victories in 1996, 1998 and 2001” (2007, p. 1). Fear also argues that the term dog whistling first gained currency with John Howard’s 1996 election, but as will become clear, this “distinct political phenomenon” came into its own in the 2001 election (2007, p. 4). Hindess notes that dog whistling can be understood as “a sophisticated kind of rhetoric, one that aims to win support from parts of an audience while also influencing, or at least, not alienating, the rest (2014, p. 192).

192 Three categories were cut; “Minorities from the Soviet Union SAC, which has been in operation since 1992, the East Timorese SAC for people in Portugal, Macau and Mozambique, which has been in operation since 1991 and the Cambodian SAC, which began in 1993” (Ruddock 1996b).

193 In 2005 Crosby went to Britain to campaign on behalf of the Conservatives (Fear 2007).

194 I have used the term earlier, referencing Haney Lopez. Hindess says “In its Australian usage, ‘dog whistling’ is a pejorative term that relies on the image of the dog whistle, which was used in sheep herding and was also known as the ‘silent’ or ‘Galton’s’ whistle, designed, apparently, by Francis Galton in 1876...” (2014, p. 144).
Hindess, with Haney Lopez, says that the dog whistle is essentially “an appeal to prejudice” (2014, p. 148). For Hindess this does not necessarily involve racism. For Haney Lopez (2014) racism is the key purpose of dog whistling. Fear’s study of dog whistling provides an insight into how dog whistling operates;

Dog-whistle politics is the art of sending coded or implicit messages to a select group of voters while keeping others in the dark. Just as a dog whistle can be heard by dogs but not humans, a dog whistle in politics can be heard by some members of the electorate but not others. Its key feature is plausible deniability: the dog whistler can say ‘I didn’t mean that, I meant this instead’. And it is usually a divisive or reactionary message that it conceals, one that would risk offending or scandalising more tolerant voters (2007, p. v).

Fear argues that “dog whistling is a very specific kind of deceit” (2007, p. 21). His summary suggests that dog whistling involves “deniability; a select target audience; and coded, implicit or subliminal communication” (2007, p. 6). In Howard’s discussion of the changes to the family reunion program above, the dog whistle is clear. The tone is reassuring. There is clear deniability. Regardless of people’s circumstances, and regardless of the ‘absolutely non-discriminatory’ policy, selection criteria based on skills and English language capacity was adopted to exclude people. Yet as Leak makes clear, Howard’s claim that the policy was non-discriminatory was deeply paradoxical.

Pauline Hanson and the Politics of Race

Responses to the newly elected Independent member for Oxley, Pauline Hanson provided Howard with compelling evidence that race issues had great popular appeal. Brett says Hanson’s first speech “set off a furore of public argument about attitudes to race in Australia” (1997, p. 8). Markus says with her election “race based nationalism reclaimed a central place in public life” (2001, p. 146). Hanson was Howard’s plain speaking Trojan horse, ushering the gifts of xenophobia and racial intolerance into his political spectacle. Moreover Megalogenis (2003) argues that Hanson was Howard’s “unwitting fall girl who made the Prime Minister

196 Hanson, “a Queensland populist in the style of Bjelke-Petersen” (Markus 2001, p. 145) had originally stood for the Liberal Party but was expelled from the party and disendorsed pre-election because of her overt racism. Hanson became the Independent candidate for the previously safe Labor seat of Oxley, winning the seat with an extraordinary swing of 22 percent, which Brett says was “the largest against the government of any seat in the country” (1997, p. 7). However it is Manne’s observation, that “one in four Queenslanders voted for Pauline Hanson” which conveys both the magnitude of her win and the extent of her support in Queensland (2001, p. 33).

197 The Herald Sun’s Bob Hart reported Hanson’s first speech as “lashing out at her preferred targets of Aboriginals, multi-culturalists, child support, foreign aid, and in particular Asians” with the “surgical precision of a wounded buffalo” (1996, p. 17). The Australian reported Hanson’s “scathing attack on Aboriginal welfare and multiculturalism” (Windsor & McGarry 1996).
appear reasonable by comparison” (2003, p. 15). While there is no doubt that Howard did not orchestrate Hanson’s performance, Hanson’s criticism of everything hit a number of targets which both she and Howard shared: multiculturalism; Indigenous policy; Asian immigration; and political correctness. It is no surprise they shared a mentor in Blainey.198

Markus argued that Hanson was a familiar voice for remote Australia where the “politics of race has been a vote winner” (1997, p. 79).199 Jupp (2007) suggests that Hanson’s politics were a continuation of Queensland’s “racist inheritance” from the 1950s Australian Workers Union and later Bjelke-Petersen’s Nationals. Right-wing Hanson claimed to also speak to the ‘mainstream’, seeking the same audience as John Howard. Markus identified two novel things about the Hanson phenomena: the first was that Hanson was “the quintessential one issue politician”; and the second was the creation by John Howard of “space for a person espousing the politics of bigotry” (1997, p. 80).

The emergence of Pauline Hanson and rise of the One Nation Party produced a great deal of commentary and scholarly analysis (Brett 1997 & 1998; Deutchman 2000; Jackman1998; Johnson 1998; Hage 2000 & 2003; Lake 1998; Manne 1998; McMaster 2001; Markus 2001; Rickelfs 1997) throughout the 1990s and beyond, attempting to both critique and explain the presence of this politicised, racial hostility. Many argued that this was largely an anomaly in Australia and simply accepted the stable bipartisan consensus on race which had previously prevailed in national politics. However Pickering’s explanation for this consensus is insightful; “Indeed, immigration had been considered ‘too dangerous’ an issue for dissent or wider public debate by successive Liberal and Labour governments” (2001, p. 171). In her analysis Pickering concludes that “the endorsement of consensus becomes a discourse of legitimation; any contradictions are smoothed over or ignored” (2001, p. 181).

The function of consensus in this reading is an effective silencing, suppressing not just both pro- and anti- immigration attitudes and debates, but effectively preventing the development of creative and imaginative policy responses. Consensus for some was a well-intentioned desire to suppress overt racism, but as well as suppressing racism, consensus prevented the opportunity

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198 John Pasquarelli, Hanson’s advisor, made contact with Blainey and Blainey briefed Hanson by phone (Birnbauer 1997).
199 Graeme Campbell, a former Labor politician who was disendorsed in 1995 because of his views, was also elected as an independent in 1996. Campbell had links with the League of Rights, and the anti-immigration party, Australians Against Further Immigration (Markus 2001). Campbell mentored Hanson when she was first elected to parliament (Jupp 2007).
for any substantive national engagement on race. This locked the nation into a flimsy reliance on the anti-racist largess of individual politicians rather than progress to robust and enforceable national rights mechanisms and instruments.

Markus uses his analysis of opinion polls to conclude that there was “no marked shift in opinion on racial issues” throughout the 1990s (2001, p. 217). Rather he argues that “the potential for politicians to win public attention and significant support through a form of race based populism has been a constant element in Australian politics over the last 20 years” (2001, p. 217). Moreover for Markus, it was Howard who made the most of the “potential for racial politics” which the unwieldy combination of globalisation, neoliberalism, Blainey, Hanson and One Nation presented (2001, p. 217).

‘Me and my big mouth’
Lifting the ‘pall of censorship’

A key part of the new racial politics which emerged in Australia at this time was a push by Howard for free speech. In a speech to the Queensland division of the Liberal Party, Howard promoted free speech, and in doing so appeared to also defend Pauline Hanson who had delivered her first Parliamentary speech twelve days earlier. Howard’s speech was a masterful exercise in the politics of the dog whistle. He claimed

One of the great changes that have come over Australia in the last six months is that people do feel able to speak a little more freely and a little more openly about what they feel. In a sense the pall of censorship on certain issues has been lifted… I welcome the fact that people can now talk about certain things without living in fear of being branded as a bigot or a racist (cited in Ricklefs 1997, p. 52).

Geoff Pryor’s cartoon above, published in the Canberra Times, highlights John Howard’s defense of free speech with a group of Australian men drinking beer and telling bawdy jokes. That the joke being told “…and then there’s the one about the one-legged Abo with AIDS – and the cross-eyed lesbian banjo player” is both racist and homophobic in the extreme, is part of Pryor’s purpose in highlighting the consequences of Howard’s free speech agenda. Alan Morris, Labor member for Newcastle also argued that Howard’s free speech agenda was allowing prejudice to flourish because it was “…a licence to vilify, a licence to offend and a licence to insult under the guise of freedom of speech” (1996, p. 6422). Pryor has placed Howard in the cartoon. He is not drinking beer, and he seems ill at ease with the tone of the joke and comments “me and my big mouth” suggesting he has realized the effect of his free speech pronouncements.

Howard was opposed to “political correctness,” which he saw as a form of censorship. He held the view that people should be able to freely speak their minds. Markus says that for Howard “‘political correctness’ is thus used as a code word, resplendent with negative connotations, for the value system the Prime Minister wishes to jettison” (1997, p. 84). Moreover Markus argues that Howard’s values and the ideological position he championed, were a key part of the “cultural battle” being run by the New Right and its “ideologue” Blainey (1997, p. 85). Evidence that Howard’s ‘pall of censorship’ had been lifted in Australia was demonstrated with Pauline Hanson’s tirade against Asian immigration, multiculturalism, native title and excessively generous welfare policies.
Howard’s free speech agenda both sanctioned Hanson’s ideological views, and encouraged their expression. Reflecting on the emergence of race politics in 1996 Markus observed that “there is a market for bigotry, a market that has been profitability cultivated” (1997, p. 79). Almost a month after Hanson’s speech A Current Affair’s Ray Martin asked Howard on national television, “should Australians, other Australians – Aboriginal and Asians - be protected from people like Pauline Hanson?” (Howard 1996a). Howard defended Hanson’s right to free speech arguing “Well, are you saying that somebody shouldn’t be allowed to say what she said? I would say in a country such as Australia people should be allowed to say that” (1996a). Reflecting on the nature of Australian racism some twenty years after this event, Hage argues that “John Howard’s rule was precisely this process of ‘relaxing’, ‘routinising’ and ‘normalising’ the violence of Hansonism” (2014, p. 234).

‘Racism’
Alan Moir, The Age, 5 November 1996
Howard, Hanson and the 1996 Racial Tolerance Motion

Hanson’s views and presence unsettled many in the press, the parliament and general public and Howard’s lack of response was perceived to represent support for her views. Others saw his reluctance to reject and condemn Hanson as a failure of leadership. Opposition leader Kim Beazley “warned that the race debate would ‘go down ugly and destructive paths’” (cited in Parry 1997, p. 64). McMaster noted Howard’s strategic silence over Hanson, and the similarity of their views stating “Howard’s response to Hanson was silence; he let her fill the spaces and articulate the views he had expressed in 1988” (2001, p. 154). Manne, who subsequently admitted voting for the Coalition at the 1996 election, argues that Howard initially misread Hanson, and suggests that “in so far as Howard had any tactic on the Hanson front it was to hold her influence in check by his sly insinuations of sympathy for her cultural views” (2001, p. 35).

Alan Moir’s ‘Racism’ cartoon above was published in The Age in response to the commentary regarding Howard’s handling of the race politics. Moir has Howard nonchalantly leaning on a fire extinguisher with his back to the raging racism fire. Moir has portrayed Howard as a study in hubris, wearing a Menzies-style double-breasted suit, appearing totally unconcerned with the expression of racism raging behind him. It is Moir’s suggestion that Howard has initiated this racism. For Moir, Howard has the power and authority to act on this issue, but it is clear Howard has no intention of responding and is content to let this political fire burn on. Moir’s suggestion is that Howard is both culpable and comfortable with his contribution to the race debate.

Markus argues that Hanson and Howard were “courting the same constituency” (2001, p. 104) and the message Hanson pitched to their shared mainstream, with its toxic mix of xenophobia and bigotry, was of Australia’s cultural and national loss (Hage 2000). Howard’s response was to implement aspects of the Hanson platform in relation to both immigration policy and Aboriginal affairs.

200 In her first speech Hanson concluded “Everything I have said is relevant to my electorate of Oxley, which is typical of mainstream Australia” (1996 p. 3859).

201 Stekette described the Howard government cuts to assistance for Aboriginal students, foreign aid, the Human Rights and Equal Opportunity Commission and immigration as the “Hansonisation of its policies” (1997). Commenting on the 43 per cent cuts to the Human Rights and Equal Opportunity Commission over three years, president Ronald Wilson stated “At a time of great need for restating the values of inclusion, non-discrimination
Howard was finally persuaded to respond to Hanson by colleagues Alexander Downer and Tim Fischer, not because of local disquiet regarding race politics, but because “Hanson was creating so much tension in relations with Asian governments” (Errington & Van Onselen 2007 p. 255). The response was the 1996 Racial Tolerance motion negotiated between Peter Reith and Gareth Evans which sought to articulate the “kind of society we are” (Howard 1996b, p. 6155). The bipartisan motion called for equal rights and equal respect, a non-discriminatory immigration policy, reconciliation with Aboriginal and Torres Strait Islander people “in the context of redressing their profound social and economic disadvantage”, “a culturally diverse, tolerant and open society” and the denouncement of racial intolerance (Howard 1996b, p. 6155).

Howard did not mention Hanson in his motion, but he certainly referenced her stating “I think there has been a wholly disproportionate reaction by too many people in too many areas of Australian society to one particular speech” (Howard 1996b, p. 6155). Howard sketched an image of the white settler society which had abolished the White Australia policy and “chose to admit to this country tens of thousands of people from war-torn Indochina” (Howard 1996b, p. 6155). He rejected the black armband view of Australian history claiming “the balance sheet of Australian history is a very generous and benign one” (Howard 1996b, p. 6155). Rejecting the view that Australia’s past was “totally bigoted and prejudiced” Howard claimed pride in Australia’s past because of “a willingness to accept and absorb” both Indo-Chinese refugees and “people from all around the world” (Howard 1996b, p. 6155). Howard argued that debate about immigration levels was legitimate, and in recognition of Hanson’s support base and his own mainstream, he acknowledged as

…natural that people, particularly those who feel themselves at the sharp end of challenge and anxiety in industries that have seen extensive job losses, should feel

and tolerance in Australia these cuts means the commission will be unable to continue to work at its current level” (cited in Stekette 1997). Money argues that the Coalition policy interventions throughout 1996-97 in Aboriginal affairs and immigration, coupled with Howard’s silence regarding Hanson, “suggest that the Coalition was bringing the ethnocentric political dimension into the electoral arena” (1999, p. 13).

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202 Downer was Foreign Minister while Fischer was Trade Minister.
203 Reith was Leader of the House and Evans the Deputy Leader of the Opposition.
204 It is in this speech that Howard further develops his vision of Australian identity based around “common Australian values” (Howard 1996b, p. p. 6155). For Howard this is the story of “heroic”, “courageous” and “humanitarian” “Australian achievement,” made possible through a mix of “democracy,” “fair treatment,” “harmonious blending together of people of different racial backgrounds”, “a passion and a willingness to accept and absorb,” and being judged on “individual worth and merit… character and behaviour” (Howard 1996b, p. 6155).
some sense of anxiety about immigration levels. It is the obligation of all of us to understand that (Howard 1996b, p. 6155).

As noted previously, in the 1980s Howard had also expressed anxiety about levels of Asian immigration. Hage says this reflected Howard’s nationalist perception of a “privileged relationship” between race and territory (2000 p. 28). For Hage this “…imagined special relationship between a self and a territory…[is] better conceived as nationalist practices rather than racist practices, even if racist modes of thinking are deployed within them” (2000 p. 28).

For Howard the combined forces of the Liberal state and individualism enabled the development of a humanitarian, tolerant Australia. The vision Howard sketched in the Race Tolerance motion, designed as a “circuit-breaker” (Evans 1996, p. 6164) to quell the rising politics of race, had glaring omissions; multiculturalism was a notable absence, as was any meaningful acceptance of Aboriginal history. 205 Howard did not attempt to engage with the resentment over immigration levels, so much as simply sanction that resentment. Moreover by rolling out the myth of an egalitarian democracy, intolerant of political correctness and elites, Howard was appealing to populism and shoring up his own political support. Howard had dusted out the tolerance and humanitarian myths and at the same time, acknowledged the legitimacy of racial resentment. This was a typical dog whistling technique which Hindess says characterised

…rhetorical attempts by the Prime Minister John Howard and his supporters to appeal to anti-immigrant sentiments within the electorate, but to do so in such a way as to avoid incurring the charge of racism… many of these speeches were designed to appeal to sections of the electorate who would respond positively to the sentiments they perceived him to be expressing (2014, p. 143).

205 Opposition leader Kim Beazley argued that Howard's understanding of Aboriginal Australia was inadequate. He stated “I do think that if you look realistically at Aboriginal people you have to qualify the notion of settlement, you have to include the question of invasion, and they are entitled to the dignity of resistance” (1996, p. 6159).
Howard in opposition and in government chose to threaten and then shatter the consensus on race. He was able to do this because as Hage (2003) argues there was a ‘mainstream’ population caught between the two pincer pressures of grievance and decline. The first of these Hage says was the perception “that being ‘White Australian’ no longer yields the national privileges or opportunities or promises that are perceived to have existed in the previous era” (2003, p. 64). The second was the perception “of ‘minorities’, migrants and Indigenous people as a threat to one’s own wellbeing” (Hage 2003, p. 65). Howard’s success had been to tap into, name and exploit those public fears and insecurity. Pauline Hanson’s federal arrival too can be understood as voter response to grievance and decline. Manne argues that Hanson represented “the stirring in Australia of a profound, popular backlash against the cultural revolution of the seventies and the economic revolution of the eighties” (2001, p. 35). Hanson’s politics promised a return to an older, more certain white Australia; however for many this was neither appropriate or wanted. For political cartoonists the arrival of Pauline Hanson was a remarkable opportunity.
John Spooner’s illustration of Pauline Hanson above accompanied an edited speech delivered by Paul Keating and published in *The Age*. Spooner has drawn a smiling Diana-like Hanson, albeit with somewhat crazed eyes, modestly covering her breasts and lying in the shallows with waves lapping at her back. Lake observed that “cartoonists can’t help but sexualise this very public woman” (1998, p. 115), and it is not surprising that Spooner has drawn Hanson as a mythical siren, the femme fatale of Greek mythology who lured sailors to shipwreck with music and voices. Here Hanson is luring a square-rigged ship, in the style of James Cook’s HMB *Endeavour*, to the shore, and impending disaster. The ship is called *Tolerance*, in reference to the recent Racial Tolerance Motion, and Spooner is suggesting that the siren-like Hanson is luring Australian tolerance into the disaster of bigotry and race politics.

Keating had been critical of Hanson’s “shamelessly regressive” politics highlighting both the damage being inflicted by her campaign, and the impossibility of returning to her imagined, monocultural Australia. Keating argued that had the Australian people been given a choice, they would not have abolished the White Australia policy. Moreover he said he did not blame Hanson for her views, stating “you can find a Pauline Hanson anywhere and anytime. You can find substantial discontent with our immigration policy and multiculturalism anywhere anytime” (1996). Rather Keating argued pointedly that “it was the responsibility of governments to protect the national interest against the tide of prejudice” (1996). For Keating post-war immigration was “the greatest strategic decision this country has made” and the debate about Asian immigration and multiculturalism, “a multiculturalism of the dark imagination which is on trial here”, was a “self-inflicted stumble” - the very debate damaged Australia’s reputation, and damaged the tolerance which was now a “definitive part of the new Australia” (1996).

This politics of race, once launched, would not disappear quickly. As McMaster observes the arrival of Pauline Hanson was a “godsend to the right” (2001, p. 152). A year after her election the launch of One Nation in April 1997 saw the emergence of a radical-right political party in Australia. Deutchman (2000) says that while radical right-wing parties had been emerging over the previous twenty years in Eastern and Western Europe and the US, the emergence of One Nation was novel for Australia both for its late emergence and short life. Former Liberal leader and Howard’s predecessor, John Hewson provided an important insight on the emergence of One Nation and its relationship to the Liberal party stating, “One Nation is a creation of the

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206 Diana, Princess of Wales was divorced in August 1996 and died in August the following year.
Liberal Government… at first Liberal people from the top down thought it was a terrific idea to get her on the bandwagon because they expected the sentiment she was raising would flow through to votes for them” (cited in Johnson 2000, p. 20).

In her analysis of right-wing political groups, Deutchman (2000) says a common feature of these groups is a focus on national identity, xenophobia and ethnic exclusion. Pauline Hanson’s One Nation fits with the pattern of right-wing political party formation in “an advanced post-industrial democracy” (Deutchman 2000, p. 54). Key formation drivers include “pressures generated by both globalisation and immigration”, the convergence of the dominant political parties, and “status frustration… people who feel their own status threatened by the success of another group” (Deutchman 2000, p. 53-55). While One Nation had mobilised quickly around identity politics and nationalism, the party rose from “king-maker into virtual oblivion” over five months in 1997 (Deutchman 200, p. 56). However the issues which One Nation had politicised, including immigration, multiculturalism and nationalism, were nonetheless firmly embedded in Australian political discourse.

Gibson et al cautioned that while One Nation’s successful mobilisation of racial prejudice in Queensland, and subsequent unsuccessful mobilisation in the federal election may indeed mean that One Nation had disappeared, its “political legacy, in …mobilising latent racial prejudice to new levels… may be far more subtle and far reaching than is presently acknowledged” 2002, p. 832). The authors suggested that One Nation’s political mobilisation of racial prejudice not only “represent[s] a new chapter in Australian politics” but has the potential to “open the door to the continued and expanded use of race-based appeals in future elections” (2002, p. 832). Moreover Gibson et al argue that the combination of increased resentment towards immigrants or an ethnic group, “raced-based electoral appeals” and “feeling antagonistic towards immigrants” help to explain how racial prejudice is mobilised electorally (2002, p. 832).

Given One Nation’s Queensland electoral success, many predicted that race would emerge as a key issue in the 1998 Federal election. However Jupp argues that not only was this not the case for the majority of voters, but “most of the Coalition, including John Howard, dodged the issue altogether” (2000 p. 159 – 163). Jupp’s (2000) analysis of Coalition election promises shows the platform included maintaining the status quo in immigration, humanitarian and refugee intakes, increasing the skilled migration intake and continued reduction of the family reunion
program. As well multiculturalism\textsuperscript{207} and race relations would be “de-emphasised” (Jupp 2000, p. 161).

Against the appearance of a “status quo” approach to immigration and refugee policy in the 1998 election, Jupp nonetheless argues that there were a number of policy changes which had been implemented by the Coalition since it had come to office which had appeal to ‘mainstream’ voters (Jupp 2000, p. 163). Thus while appearing to avoid fuelling a race election, the Coalition rested on its record over the last two and a half years.\textsuperscript{208} Policy change, which reflected a racial hostility, had already been implemented so it was simply unnecessary for the Coalition to campaign overtly on race. Jupp notes the impact of two changes resulting from Howard’s first term, which are particularly relevant for this thesis. The first was the “increasingly restrictive” approach adopted towards asylum seekers, and the second that “it was more difficult for immigrants from poor countries or with poor English to come to Australia” (Jupp 2000, p. 163).

The combined efforts of the Coalition, Hanson and One Nation had successfully moved race politics to the right (Markus 2001 p. xiv). This is evident in the Coalition’s 1998 election promises. What is also important to note is the effect which both Hanson and One Nation, and the Coalition had on the immigration policies of the Labor party. Jupp (2000) noted the “very marked” shift in Labor’s pre-election promises, regarding the status of the family reunion program, which Labor no longer treated as the major component of the immigration program. So rather than resist the pull towards the right, the Beazley–led opposition acquiesced to the pull.

Commenting on the electoral success of far right parties in Europe during the 1990s, Hampshire noted the pattern which also saw centre-right and centre-left parties “shift rightwards on immigration” (2013, p. 30). In Australia this shift was possible due to the impact of white populism in national politics. Curthoys and Johnson were alert to this when they argued that while Pauline Hanson and One Nation would no doubt disappear,\textsuperscript{209} the impact of their politics would remain;

\textsuperscript{207} Since his election in 1996 Howard had avoided using the term multiculturalism until 1998.
\textsuperscript{208} Which included cuts to the refugee program and the family reunion program, the use of English language tests, and abolishing the Office of Multicultural Affairs and the Bureau of Immigration, Multiculturalism and Population Research.
\textsuperscript{209} At the 1998 federal election One Nation received 8.4 per cent of the total primary vote, House of representative vote and 9 per cent of the Senate vote. Jupp says this made One Nation the “third most popular
In the longer term… Hansonite politics, in one form or another, whether or not it revolves around Pauline Hanson herself, or around One Nation specifically, is a form of politics of the future not the past. It is a politics of the late twentieth century and early twenty-first century. It is a politics that is here to stay at least as a significant minority factor in Australian political life (1998, p. 97).

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Boat Arrivals and Detention at Port Hedland

The xenophobic and racist politics generated by Howard, Hanson and One Nation within Australia were reflected in significant changes to immigration and refugee policy. Against this racial hostility asylum seekers continued to arrive in boats. Their treatment in Australian detention centres was the subject of a three year investigation by the Human Rights and Equal Opportunity Commission (HREOC) which culminated in the *Those who’ve come across the seas* report. John Spooner’s illustration above accompanied an article by Chris Sidoti, former Human Rights Commissioner, in which he discussed the key findings of the HREOC report.

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"Untitled"


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Pauline Hanson lost the seat of Blair (she chose to contest this rather than a reconfigured Oxley) and One Nation member Heather Hill was returned to the Senate (Jupp 2000).
Spooner’s illustration is a beautifully simple, if dark drawing of an upturned boat, resting on the beach. Spooner has drawn the boat with grilles on the windows and door, suggesting that the boat is both home and prison. The boat is located on a remote beach and fenced off with barbed wire. Spooner’s image is a representation of the Port Hedland Immigration Detention Centre\textsuperscript{210}, a former BHP worker camp, located on the edge of the Great Sandy desert some 1,641 kilometres north-west of Perth. This remote centre was the primary Australian detention facility for boat arrivals, which housed up to 800 asylum seekers (HREOC 1998, p. 81).

The HREOC report identified a range of human rights abuses which occurred during the first term of the Howard government. These included

\textit{\ldots assaulted, mandatory and prolonged lengthy periods of detention and segregation, years of confinement behind barbed wire, inadequate education for children, the lack of proper health care including specialist services for victims of trauma and torture, unacceptably long delays in deciding a person’s status, detention in inhumane conditions in two centres and failure to inform detainees of their legal rights (Sidoti, 1998).}

During 1996 some nineteen boats carrying Chinese, Iraqi, Sri Lankan and Chinese-Vietnamese men, women and children arrived at Darwin, Christmas Island and Ashmore Reef. Of the 660 asylum seekers who were detained at Port Hedland, the majority of whom were Chinese, most were not granted refugee status but were deported (HREOC 1998). In 1997 a further 135 asylum seekers from China’s Fujian Province arrived in the Torres Strait and were subsequently returned to China. Reflecting on the high number of asylum seekers who had been deported, Minister for Immigration and Multicultural Affairs, Phillip Ruddock stated, with a sense of achievement, how successful the Howard government had been in this process of removal;

\textit{Since the Coalition achieved office, about 900 people have arrived illegally by boat. The vast majority of those have been returned home on the basis that they failed to have any claims that met our protection obligations (1997, p. 7511).}

Yet boats continued to arrive and the treatment of their occupants reflected an increasingly common pattern emerging since 1989; “of large decline\ldots in the proportion of people granted entry into Australia” (HREOC 1998, p. 30). While HREOC (1998) reported that over the period 1989 – 1993 more than 50 per cent of boat people had gained permanent entry into Australia, since 1994 less than 10 per cent had gained permanent entry. Initially Labor, and then

\textsuperscript{210} In 1998 there were also detention centres at Villawood in south-west Sydney, Perth and Maribyrnong.
the Coalition had active policies of refusing asylum and deporting boat people. Phillip Ruddock’s explanation of why so many asylum seekers were rejected is telling evidence of the government’s narrow construction of who was a refugee;

The vast majority of those have been returned home on the basis that they failed to have any claims that met our protection obligations. The message from this government is that people who do come here illegally are not fleeing persecution. They come here with false hopes and expectations if they expect to be able to stay permanently. They will be dealt with quickly and efficiently. If they have no claim to remain in Australia, they will be returned (1997 p. 7511).

While noting the complexity of reasons for the decline in refugee numbers, HREOC pointed particularly to “changes …to the Migration Act, and department policy and practices since 1994” (1998, p. 30). HREOC (1998) noted that there was indeed a reduction in immigration processing times, and as a result, a corresponding reduction of time spent in detention. However for HREOC this was of particular concern because the fast processing times meant “claims were not properly assessed” (1998, p. 33). Moreover the report found the provision of legal assistance and advice, which is a legal entitlement and which enables people to make claims for refugee status, to be either missing or inadequate. Here the differential treatment of boat people becomes starkly clear. In Australian law all people in immigration detention have an automatic “right to legal advice, and the right to be advised of their legal right to legal advice” (1998, p. 196). However if people arrive by boat, they have no right to legal advice unless they request it. HREOC’s finding was that “Australia effectively denies the right of access to and protection of the law by failing to inform detainees of their rights” (1998, p. v). So by not informing boat arrivals of their rights, the Coalition government was able to swiftly deny asylum seekers access to protection and summarily deport them.

The Howard government’s refugee policy response was directed towards deterring boat people, who throughout the mid-1990s were predominately detained at Port Hedland. Policy initiatives included the privatisation of detention centres which Mares (2001) argued was the

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211 Despite an overall reduction in time spent in detention, HREOC found in May 1997 that “67 percent of detainees at Port Hedland have been detained for more than six months, and 39 percent had been detained for more than two years” (1998, p. 58).

212 Section 256 of the Migration Act requires the right to a lawyer if requested, however HREOC reports “there is no obligation under law to advise a detainee of the right to a lawyer” (1998, p. 199). HREOC established that the Department of Immigration did not advise asylum seekers of their right to request a lawyer (1998, p. 196). n also noted that for some groups, such as those from the People’s Republic of China, there was “no clear understanding of the role of lawyers in democratic countries” (1998, p. 201). Issues of language and literacy also impacted on access to legal advice.
most dramatic shift in refugee policy, after the introduction of mandatory detention. Other measures included the introduction of “streamlined onshore protection decision making” (Ruddock 1998, p. 350), a $1,000 Refugee Review Tribunal (RRT) deterrence fee, deliberate ambiguity and discretion regarding the provision of legal advice, and the vilification of asylum seekers who failed to meet “our protection obligations” (Ruddock 1997, p. 7511).

This was a systematic campaign of exclusion being waged against asylum seekers. Reporting on the early success of this campaign, Ruddock’s pleasure is palpable as he boasts of the Howard government’s processing efficiency;

We have also maintained the integrity of our border arrangements. We have been able to demonstrate that we can achieve removal from Australia quickly of non-bona fide asylum claimants who enter Australia. I was pleased to be able to ensure that we were able to remove most of those people during the course of this year - some of them within the space of two weeks (1996f, p. 8251).

There were other, more predictable stories being told about Australia’s mythical generosity towards refugees. Ruddock claimed

I want to affirm that this government maintains, as have governments before, a strong commitment to assisting bona fide refugees. Of course Australia has been very generous in a number of ways in ensuring that people who have been displaced and persecuted are resettled in Australia (Ruddock 1996, p. 2554).

213 In 1997 detention centre managers Australasian Protective Services were replaced by Australasian Correctional Management (ACM), a wholly owned subsidiary of the US company Wackenhut Corrections Corporation (Mares 2001). Mares (2001) also notes that ACC won the 1993 contract to operate the then largest prison at Junee NSW.

214 Ruddock explained that the fee was “designed to deter non-bona fide applicants from seeking review by the RRT after receiving a negative primary decision from the Department” (1998, p.3502).
The Coalition narrative about refugees was paradoxical. On one hand the myth of generosity towards genuine refugees was repeated often; and on the other a ruthless Departmental machine was implementing Coalition policy, processing and deporting asylum seekers at rates never before seen in Australia. The arrival of Kosovo refugees in 1999 reflected this paradox and introduced yet another measure of exclusion into Australia’s refugee policy regime; the temporary protection visa. The continued arrival of asylum seekers in boats throughout 1999 resulted in new panics and the adoption of the Border Protection Bill. These episodes highlighted again the differential policy treatment between UNHCR offshore and onshore arrivals.

Geoff Pryor’s cartoon ‘Public Opinion’ was one of many cartoons responding to the Howard Government’s policy turnaround in relation to the Kosovar refugees. Pryor has Prime Minister John Howard emerging from the tent of public opinion, pushing a near naked Immigration Minister Ruddock out in a dog bowl as food for wolves prowling in the distance. Pryor has Howard distancing himself from Ruddock and feeding him to the dogs. In Howard’s hand is a memo regarding the Kosovo refugee crisis. The Kosovo refugees were Albanians living in the
Kosovar region of former Yugoslavia who had been the subject of Slobodan Milošević’s Serbian-led ethnic cleansing program. The war had displaced more than 776,000 refugees creating an international refugee crisis in 1999 (Georgiou 1999, p. 5035).

Pryor’s cartoon is a reference to Ruddock’s initial rejection of UNHCR evacuation proposals for Kosovo refugees, and the subsequent policy revolt by the Coalition Cabinet to agree to provide temporary ‘Safe Haven’ for 4,000 refugees displaced from their homes in Kosovo. Australia’s responses to the crisis had initially been to support NATO’s bombing of Kosovo, provide $2 million in aid to humanitarian organisations working in the region, and reject proposals for refugee settlement in Australia (Downer 1999a, p. 4870).

The Kosovo refugees were a “high visibility event” attracting both national and international media and public scrutiny, and Pryor’s positioning of Howard in the tent of popular opinion is an important indicator of the local and international pressure which was bought to bear on the government to accept this group of refugees (Suhrke 2000, cited in Taylor 2000, p. 78). Pryor has Howard willing, on this occasion, to succumb to the public mood. Fassin says “the dramas of Bosnia and Kosovo are examples of these fitful displays of generosity when the political elite tries to follow or even anticipate public opinion” (2005, p. 375).

Announcing the decision to accept the refugees John Howard claimed moral ground with his observation; “This is something where a nation of Australia’s strength and wealth and comparative affluence has an overwhelming moral obligation to play a part in” (cited in Carr 2011, p. 84). Ruddock, as the emperor without clothes, was exposed by his public comments initially rejecting the refugees. He had responded to questions regarding Australia’s acceptance of Kosovar refugees with the view that they should be protected within their own region (Taylor 2000). Wright also quotes Ruddock saying “Australia was a long way from Yugoslavia” (cited in Wright 1999). Ruddock’s objection to the Kosovo refugees was based on his concern that the provision of temporary protection would lead to permanent settlement which had earlier been the case for the Chinese nationals post Tiananmen Square.

Australia’s response was part of a UN “burden-sharing” approach to the refugee crisis in the Republic of Yugoslavia (Barutciski 2001, p. 95). The UNHCR Kosovo Humanitarian Evacuation Program (HEP) proposal involved the temporary evacuation of 91,000 Kosovar refugees to 29 countries including Australia (Carr 2011). The temporary measure was designed to “prevent
Milosevic from acting out his brutal hope to permanently depopulate the Muslim Albanian citizenry of Kosovo” (Georgiou 1999, p. 5035). Enthusiasm for the international provision of safe haven to the Kosovar refugees was regarded by western nations, including Australia as part of the post-Cold War liberation of communist Europe.

Kosovo Refugee and Temporary Protection

Bill Leak’s cartoon, ‘Welcome to Australia’ was a response to the contradictory nature of the so-called welcome the Australian government provided to Kosovo refugees. Leak has an uncomfortable looking Howard promoting the reception benefits of SBS in outback Australia to a group of Kosovo refugees. The point Leak is making is that the Kosovo refugees, despite the very public welcome from John Howard at Sydney airport upon their arrival, were shunted off to isolated army camps well out of the public eye and media scrutiny.215

Leak’s cartoon highlights the hollowness of the public relations welcome exercise offered by both the government and the media, which was designed to demonstrate Australian humanitarian generosity. However as Leak’s cartoon shows, the refugees were less than happy with arrangements to house them in isolated camps, far from existing Albanian communities in

215 The camps used were Brighton (Tasmania), Puckapunyal, Bandiana and Portsea (Victoria), Leeuwin (Western Australia), Singleton and East Hills (New South Wales) and Hampstead (South Australia) (Carr 2011).
Australia. Leak wants us to see beyond the initial hype around the Kosovo refugees, to the very limited provisions of the **bipartisan** Migration Legislation Amendment (Temporary Safe Haven Visas) Bill 1999.216

The legislation and the Operation Safe Haven program which accompanied it were temporary measures allowing initially Kosovo, and later East Timorese refugees217 to be airlifted to Australia with the promise of three months of protection.218 The conditional and superficial welcome highlighted by Leak, masks the deeper absence of permanency being offered to the Kosovo refugees. The Safe Haven visa was a contractual arrangement between Australia and the refugees, with refugees selected individually by Australian immigration officials. Crock et al (2006) noted that the scheme relied upon Ministerial discretion rather than the legal rights usually available to refugees. Carr rightly argues that the “Safe Haven Visa… can be viewed as a metaphor for reasonable control and compliance within a humanitarian context” (2011, p. 70).

The Safe Haven, and later temporary protection legislation, echoed the 1998 One Nation election promise which proposed denying refugees permanent settlement and proposed “temporary refuge… until the danger had passed in the refugee’s country is resolved” (cited in Jupp 2007, p. 128). It is difficult to know if One Nation was again the Trojan Horse for Coalition policy.219 Grewcock argues that while One Nation support and leverage was declining, the party was nonetheless able to “set the terms and tone of mainstream political debate” (2009, p. 265). The May 1999 Safe Haven bill was a temporary measure. However the use of temporary protection would become a new method of refugee exclusion in the Coalition government’s refugee policy armoury.

At the end of the three months, the refugees were to be returned to Kosovo. Explaining the limited terms of the ‘Save Haven’ visa arrangements Ruddock stated

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216 Immigration Minister Ruddock outlined the purpose of the legislation in the following way: “The bill amends the Migration Act 1958 to ensure that persons to whom temporary safe haven is provided are unable to apply for any other form of visa, including protection visas, while in Australia. Any applications made by such persons for other types of visas from 6 April 1999 will be rendered invalid. This will ensure that the government can meet its commitment to provide temporary safe haven and also effectively maintain the integrity of Australia’s migration and humanitarian programs. Temporary safe haven is not to be used as a means of obtaining permanent residence in Australia” (1999a p. 5022).

217 In September 1999, Immigration Minister Philip Ruddock announced that 1,450 East Timorese would be allowed into Australia under the safe haven legislation (Latham 1999).

218 The Safe haven visa was extended in September 1999 to 1,450 refugees from East Timor (Marston 2003).

219 Carr notes One Nation’s David Oldfield’s claim that “John Howard’s decision to accept the Kosovar refugees on a temporary basis was a ‘direct application’ of One Nation’s immigration policy” (2011, p. 71).
Our international obligation is to provide people with protection. The obligation is not to provide permanent resettlement; the obligation has only ever been to provide protection. When the situation changes and protection is no longer required, ordinarily people would be expected to go home (1999a, p 5038).

With the provision of temporary protection to the Kosovar refugees, Australia’s refugee policy had been transformed into a short term, time limited provision without the human rights provisions usually available to refugees. Moreover protection was only available to those deemed suitable by immigration officials. Temporary protection represented an emasculation of accepted refugee rights.

The Immigration Department determined which Kosovar refugees could come to Australia and managed their accommodation in eight military camps rather than in detention centres or community housing. In determining who could come, systems of immigration control were again being deployed and in legislating for temporary protection, the Australian state had a new legal means of exclusion. Liberal member Petro Georgiou was one of a number of politicians to raise concerns regarding the policy implications of the Safe Haven Bill, suggesting that this departure from Australia’s established refugee policy “…is something that, as a matter of principle, we should be very concerned about (1999, p. 5035). Labor immigration spokesman Con Sciacca, while supporting the bill nonetheless observed that “draft[ing] a piece of legislation with such latitude can create a dangerous precedent” (1999, p. 5024). Moreover in his objection to the haste with which the legislation was developed, and the likelihood of further humanitarian crises, Sciacca argued that Australia needed more comprehensive legislation to deal with “these contingencies - no more ad hoc decisions and no more emergency cabinet meetings to decide what should already be part of a long-term humanitarian emergency plan” (1999, p. 5024).

**Kosovo Refugees, the Media and Ideological Sympathy**

Carr argues that the media played a number of important roles in the Kosovo refugee episode. Firstly he says the media reinforced the myth of Australian generosity with claims that “the nation’s commitment to human rights was extraordinary” (Carr 2011, p. 66). At the same time the media neglected to mention that “…that the Safe Haven Visa program contravened many of the human rights of the Kosovars…” (Carr 2011, p. 66). Carr also notes that the media
represented the Kosovo refugees as acceptable migrants, describing them as “white” “clean” and “middle class” and generally not too dissimilar to Australians (2011, p. 66).

That the Kosovars were portrayed as “a familiar and compatible cultural group” by the Australian media was part of the careful management of difference, a necessary and strategic ingredient for public acceptance of refugees, given very recent Hanson-One Nation race politics (Carr 2011, p. 69). This was important as 70 per cent of Kosovars were Muslim (Refugee Council of Australia 1999).

While Carr’s analysis of media coverage noted the positive treatment of the Kosovars, Carr also observed that “The majority of editorials made little attempt to disguise their political preferences for the Howard Government throughout Operation Safe Haven” (2011, p.67). Manne too notes the important role of the media in relation to both Kosovo and East Timorese refugees suggesting that “popular opinion had been sensitised by television coverage of the crises” (1999, p. 17). Manne’s analysis is concerned to explain Australia’s growing hostility towards refugees, and he argues that a “selective sympathy for refugees along ideological lines” developed with the left supporting refugees from “authoritarian, anti-communist regimes like Chile or occupied East Timor” and the right supporting “those who had fled from communist regimes” (1999, p. 17).

Evidence of the breakdown in ideological sympathy emerges more fully, Manne says, with the arrival of refugees from Iraq and Afghanistan. His conclusion that “In the post-Cold War world refugees even from the most barbaric tyrannies are much more frequently on their own” highlights a key feature of neoliberal responses towards refugees (1999, p. 17). Fassin (2005) suggests that the initial neglect of refugees in the 1930s and 1940s was transformed by the 1951 Refugee Convention which provided European refugees with a “transnational nobility through recognition of the rightness of their political cause, or at least of the wrongness of the violence to which they had been submitted” (2005, p. 374). Manne’s analysis is useful in explaining the increasingly negative view of contemporary refugees and the absence of ideological sympathy with which to assess the rightness or wrongness of refugee experiences at the end of the 20th century.

The Kosovo welcome was soon worn thin and media support rapidly shifted to become part of a campaign openly and savagely vilifying this group of refugees. One group of Kosovar refugees
were located at the Singleton army camp in central NSW and this group complained about the standard of their accommodation and facilities. Carr says that these complaints resulted in the dramatic transformation of popular conceptions of the Kosovars from welcomed to ungrateful and the deployment of negative stereotypes by the media including notions that the refugees were patriarchal, violent, suspect and intransigent (2011, p. 215).

The Kosovar refugees had broken the compact historically required of refugees: they were not sufficiently grateful for Australia’s largess. Both the government and the media turned swiftly from advocating support for the Kosovo refugees, to being joined in opposition against them. The public vilification of refugees gained momentum and legitimacy, as this opportunity was exploited for political gain.

After a peace agreement was reached between NATO and Yugoslavia in June 1999, the Australian government considered that its duty to the Kosovar refugees was over and it began the process of repatriating them. A Reconstruction Allowance of $3,000 per adult and $500 per child was paid as an incentive to returning refugees to support their repatriation to Kosovo. Ruddock argued that the $4 million cost “made good economic sense as the amount of the allowance was offset through savings in accommodation and other support costs of the safe havens” (cited in Carr 2011, p. 229). Crock el al (2006) note that by September more than half of the Kosovo refugees had been returned, however a number of the refugees refused to leave Australia because of fears their homeland was still unsafe. The Federal government extended the visas of the remaining Kosovars until late October, with Ruddock declaring that failure to depart would mean the refugees would become “unlawful non-citizens subject to detention and removal” (cited in Carr 2011, p. 231). By November, the government’s “bullying tactics” meant that 90 per cent of the refugees had returned home (Carr 2011, p. 231).

Those remaining made submissions to Ruddock requesting permanent residence in Australia. However Ruddock maintained that conditions in Kosovo had improved and that the refugees must be repatriated. Moreover the government offered a sweetener with the provision of a winter reconstruction allowance of $3,000 per adult and $500 per child, if the refugees left by 30 October (Ruddock 1999d). Ruddock’s statement to parliament regarding the remaining

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\[A\] number of Kosovo refugees applied to the High Court to remain in Australia, and when their case failed, a number of refugees at the Bandiana army camp in Victoria went on a hunger strike causing further delay to their deportation. Ruddock’s response was both swift and punitive; Bandiana was reassigned into an Immigration Detention Centre for which Ruddock assumed the legal authority to detain and deport refugees.
Kosovo refugees’ reluctance to return to Kosovo reveals the ugly paradox of Australia’s approach to refugees;

…the situation that I have explained to the Kosovars - that it is not a question of if they return home but really a question of when. …But those whose circumstances of safety and security enable them to return home should not be taking places that would otherwise be available through our refugee and humanitarian program, and that would be the result if we were to acquiesce to the request of those who simply find it too difficult at this time (1999d, p. 11723).

The introduction of the Safe Haven policy demonstrated an increasingly punitive and restricted approach to refugee policy with the use of temporary protection, and a readiness on the part of the state to ignore refugee rights. Carr argues that the Kosovar refugees “provided much of the initial impetus for the introduction of the Howard Government’s temporary protection regime” (2011, p. 14). The Safe Haven policy and Australia’s treatment of the Kosovo refugees introduced another dimension into the national polity; the collusion between the right wing media and the government in the creation of new discourses of hostility towards refugees. This was a powerful, watershed moment from which there would be no return. It was an important alliance for the new campaigns against people smugglers and the emergence of border protection. The Howard government had previously engaged in a history war and a culture war. This new war was fought against refugees.

The following section outlines the policy measures developed to stop people smuggling and prevent asylum seekers arriving in boats from reaching, and then settling in Australia. The most significant of these were the Border Protection Bill, and its enhanced Coastwatch and Customs search and surveillance powers, and the Temporary Protection Visa. The Howard government initially failed with its proposal to limit the High Court’s capacity to review refugee decision outcomes, but an international media campaign targeting people smugglers was introduced.
Illegal migration, people smuggling and criminalizing asylum seekers

Jeff Hook’s cartoon above was a response to the arrival of a boat on the 10 April 1999 carrying 59 asylum seekers from China. This arrival coincided with debates regarding the preamble to the Constitution (Marr & Wilkinson 2003). Hook has a large number of people alighting from a boat, some running to safety, while others carry luggage up the beach. The boat was the Zhou Gan Tou, a tugboat which had run aground at Scotts Head on the mid north coast of NSW. This was an unusual boat arrival location and was claimed by Pristel and Charles (1999) to be a people smuggling operation. The Age journalist Greene (1999) suggested that Chinese triads from the Fujian province were responsible for the “upsurge in illegal immigration” which

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As well as commenting on the boat arrivals, Hook’s cartoon has a sign on the beach, with a suggestion box, inviting suggestions for the Preamble to the Constitution. This was a reference to the consultation process underway at the time for the Preamble. As part of the 1998 debates regarding proposals for Australia to become a republic, the issue of developing a new preamble to the Constitution had been raised.
included the passengers of the *Zhou Gan Tou* (1999, p. 2). The passengers were subsequently all deemed illegal entrants and by mid-June were returned to China (Sciacca 1999a, p. 7597).

Hook’s linkage of refugees and people smuggling, with issues around national identity and constitutional reform highlights the enduring tension of belonging, race and exclusion in refugee policy debates. Framing refugees as people smugglers added another dimension to the Howard government’s increasing mistrust and hostility towards asylum seekers and refugees. Minister Ruddock’s response to people smuggling was that it was a “criminal industry” which both “preys on the misery and hopes of people” and “violate[s] the sovereign rights of states to determine who can enter their territory (1999f, p. 10147). Moreover he claimed “The people being smuggled are, in most cases, not genuine refugees seeking haven in the first available safe country. They are instead young migrants from less developed countries who are seeking to work in developed countries” (Ruddock1999f, p. 10147). In discussions about people smugglers, Ruddock also revealed that the Australian government had been “interdict[ing] vessels before they arrive in Australia” (Ruddock 1999c, p. 3915).

Crock (2006) et al argue that people smuggling and people trafficking had grown worldwide in the decade from the mid-1990s to become the “third highest global income source for organised criminal groups” (2006, p. 44-45). The trend took longer to reach Australia. By 1999, Schloenhardt and Philipson (2013) argue, people smuggling had emerged as a key political and media issue. Crock et al (2006) note people smuggling becomes visible because it involves the movement of “increasingly large numbers of people to the country on leaky boats” (2006, p. 44). Ruddock confirmed the widespread view that “organized rackets involving sea travel” were originating “mainly out of the People’s Republic of China, Sri Lanka, Thailand, Indonesia, Kenya, South Africa, Jordan, Turkey, Lebanon and Malaysia” (1999b, p. 5075). However Heinrichs argued that the growing number of illegal migrants were actually arriving by air. He stated; “Not by sea, but by air – that’s the way the sophisticated illegal immigrant attempts to beat the system, a method that increased by 30 per cent last year and was topped by Chinese”

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222 Describing a “sophisticated” operation using navigation equipment and supplies, both Greene, and *Sun Herald* journalists Pristel and Charles, claimed the trade involved payment of approximately $4,000 for the journey as well as the provision of false documents.

223 Minister Ruddock claimed that in four years over 102 boats had been stopped and only three had arrived without Australia “formally interdicting them before they reached our shores” (Ruddock 1999c, p. 3915). Ruddock also advised funding “intelligence collection in respect of immigration fraud and people smuggling” in the 1998 budget (Ruddock 1999b, p. 5075).
Yet the Howard government’s response was consistently directed towards boat arrivals.

Crock et al suggest that while the Australian Immigration Department criminalised people smuggling “as the organised illegal movement of people to another country” this failed to acknowledge that for asylum seekers, paying people smugglers is often the only way to “escape from persecution to a safe country” (2006, p. 44). Schloenhardt and Philipson argue that asylum seekers were “fleeing persecution, torture, discrimination, war, poverty, and other humanitarian crises” (2013, p. 2). Yet despite these circumstances, discursive representations of illegal migration, people smuggling and asylum seekers were deliberately blurred so that refugees were both criminalised and politicised by the Howard government.

People smuggling was politicised as “the illegal crossing of national borders for profit” (Tailby 2001, p. 2). Linking asylum seekers with people smuggling introduced an additional criminalising frame into refugee politics, reinforcing perceptions that unauthorised boat arrivals were not just illegals, but were criminal. Grewcock argues that Western states manufactured the deviance of refugees as a means of exclusion (2009, p. 8). In Australia’s case this involved the systematic criminalisation of refugees through mandatory detention as a “normalising form of punishment,” the use of queue jumping discourses and through allegations of people smuggling (Grewcock 2009, p. 148).

These discourses prevailed because asylum seekers were usually incarcerated in remote locations, and unable to engage in any public process which could establish their legitimacy. Initial discursive struggles in the early 1990s established in the public mind “an equation between the unauthorised asylum seeker and the ‘queue jumper’” (Grewock 2009, p. 130). This meant, Grewock says, that the queue, itself “a legal and political fiction,” seeped into “the common sense of mainstream political discourse” (2009, p. 130). Grewock’s argument is that the Australian state’s “systematic alienation, criminalisation and abuse of unauthorised migrants”

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224Air arrivals were far greater as Ruddock confirmed for 1997-98 stating “1550 people were refused entry at Australian airports. So far this financial year (as at 28 February 1999), 1397 people were refused entry” (1999b, p. 5075). Ruddock also reported that during 1997-98 “157 persons arrived without authorisation on 13 boats (1999b, p. 5075)224. The points of arrival for those boats were: - Northern Territory: 34 people from Afghanistan, Bangladesh, Algeria and Morocco on 3 boats; - Ashmore Reef: 35 people from Afghanistan, Bangladesh, Senegal, Algeria and Morocco on 5 boats; - Torres Strait: 30 Irian Jayans from Papua New Guinea on 1 boat; - Christmas Island: 40 people from Afghanistan, Algeria, Bangladesh, Iraq and Sudan on 2 boats; and - Western Australian waters: 18 people from China on 2 boats.”
actually constitutes state crime (2009, p. 6). Central to this criminal activity was the slow and careful construction of refugee deviance and illegality. Claims of people smuggling offered a further opportunity to reinforce and consolidate these representations.

**Coastal Surveillance Task Force: ‘a sound investment in the integrity of Australia’s borders’**

Despite the arrival of large numbers of illegal migrants and occasional undetected boat arrivals such as the *Zhou Gan Tou*, Marr and Wilkinson claim Prime Minister Howard’s priority was getting “something done about the boats” (2004, p. 49). Days after the arrival of the *Zhou Gan Tou*, Howard established a Task Force on Coastal Surveillance, chaired by Max Moore-Wilton. The Task Force was to lay the foundations for Australia’s border protection regime, and according to Marr and Wilkinson (2004), create the conditions for *Tampa*.

The Task Force inquiry was necessary according to Moore-Wilton because of “public perception[s]… that the current system of coastal surveillance is inadequate,” illegal immigration was an “increasing threat to Australia and a growing problem worldwide” which was costing Australia $125 million annually, and the threats to Australian agriculture posed by boat arrivals carrying “exotic diseases and species” (Coastal Surveillance Task Force Report 1999). Despite its concern with these broad ranging issues the Task Force, like the Prime Minister, were primarily focused on boat arrivals. Moore-Wilton made this clear when he outlined the Task Force’s focus as developing

…steps to detect and deter illegal boat arrivals before they arrive in Australia; strengthening the systems for coastal surveillance and improving procedures for dealing with illegal arrivals after they have reached Australia; and strengthening the legal provisions, including penalties, relevant to people smuggling (Coastal Surveillance Task Force Report 1999).

The Task Force developed a $124 million, four year framework “to strengthen Australia’s capacity to detect and deter illegal arrivals” (Coastal Surveillance Task Force Report 1999).

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225 Marr and Wilkinson (2004) note that Moore-Wilton knew something about “the shipping world” having previously managed the national shipping line, ANL (2003, p. 50). Howard had appointed Moore-Wilton Secretary of the Department of Prime Minister and Cabinet in 1996 and he was tasked with transforming the public service, cutting staff numbers and introducing “the ethos of the commercial world” to the Canberra bureaucracy (Marr & Wilkinson 2004, p. 50).

226 This figure was based on 2,500 “air and sea-borne” illegal immigrants annually with the processing cost for each individual calculated at $50,000 (Coastal Surveillance Task Force Report 1999).

227 Moore-Wilton stated that “The potential importation of exotic diseases and species via illegal boats, for example, could have potentially devastating quarantine consequences for Australia’s $13.5 billion agricultural industry” (Coastal Surveillance Task Force Report 1999).
Moore-Wilton’s preference for using the navy to turn back boats was initially rejected, only to be adopted in 2001 as part of Operation Relex (Marr & Wilkinson 2004).

Focusing on three areas of reform, the Task Force recommendations proposed increased aerial surveillance of the coast and enhancing the status of the civilian Coastwatch service, increasing intelligence gathering in source and transit countries, and legislative reform. The Task Force claimed that “existing Australian law is in certain respects weak and uncertain”, proposed increased penalties for people smuggling, and recommended that migration legislation be “strengthened and broadened” (Coastal Surveillance Task Force Report 1999). Accepting all of the Task Force’s recommendations, Howard claimed the measures were “a sound investment in the integrity of Australia’s borders” (1999).

**Border Protection Legislation**

The Task Force recommendations were given “more teeth” (Pyne 1999, p. 12134) with the passage of the Border Protection Legislation Amendment Bill 1999. During debates on the Bill, Labor member Duncan Kerr argued that the government’s approach to border protection was too narrowly focused on “illegal boat people in isolation from the myriad other threats to our coastline which exist and which are increasing almost daily” (1999, p.12122).

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228 The cost of additional aircraft and helicopters represented 68 percent of the $125 m budget. A proposal for a US style coast guard was rejected by the Task Force as too costly (Coastal Surveillance Task Force Report 1999).
229 There was debate at the time regarding whether or not a civilian Coastwatch was the most suitable agency to lead the surveillance operations. Australian Defence Studies Centre director Anthony Bergin argued in the Australian newspaper that the military and defence forces were “better able to handle growing long-term problems such as fishing disputes, Indonesian incursions and people smuggling”. Bergin’s rationale for the use of the military was that he regarded these issues as “national security issues, not just civil surveillance tasks” (cited in Creedy 1999, p. 13).
230 These included penalties of up to $200,000 in fines and 20 years’ jail for convicted people-smugglers. Marr and Wilkinson note that the people smuggling penalties proposed were subsequently used to threaten Arne Rinnan, the Tampa’s captain (2004, p. 50).
231 Particular reforms were recommended in relation to territorial waters (out to 12 nautical miles), the contiguous zone (between 12 and 24 nautical miles) and high seas powers to pursue, intercept, search, detain, arrest and warn off boats carrying illegal migrants and/or involved in people smuggling (Coastal Surveillance Task Force Report 1999).
232 Howard at this stage claimed that the Taskforce measures “represent a more cost effective solution than the creation of an Australian coastguard or transfer of the coastal surveillance function to the Defence force” (1999).
233 Kerr was a former Shadow Minister for Immigration and at the time was Shadow Minister for Justice and Customs.
234 Kerr pointed to a range of issues including “people smuggling, drug smuggling, illegal fishing, breaches of quarantine, illegal pearl fishing, importation of goods in contravention of the Customs Act, breaches of international and domestic environmental laws, breaches of international conventions regarding shipping, particularly shipping safety and other maritime activities and conduct, and a number of areas where our domestic criminal laws are otherwise vulnerable… search and rescue operations, maritime safety, oil spills and pollution control” (1999, p. 12122).
Minister Ruddock stated that the legislation was designed to “strengthen legislative provisions relating to people smuggling in order to maintain the integrity of Australia’s borders” (1999i). Key amongst the provisions was empowering customs officers so they could be armed and “board, chase, search, move and destroy ships and aircraft involved in people smuggling operations” and “undertake enforcement action beyond our territorial waters” (Gallus 1999, p. 12129). The legislation also extended the reach of customs officers to operate in international waters, 200 nautical miles from the Australian coast. Phillip Ruddock claimed the new powers created under the Border Protection Bill would allow “our officers to undertake enforcement action beyond our territorial waters, and to arrest and prosecute those involved in attempts to breach our sovereignty” (1999f, p. 10147). These provisions expanded the nation’s surveillance reach in the hunt for asylum boats, and gave customs an active armed pursuit role in locating, chasing and destroying boats. These were not just new powers. They were dangerous powers.

The legislation and surveillance measures were being adopted to respond to the increasing numbers of asylum seekers arriving in boats. By October 1999, 1,500 people had arrived by boat compared to “a mere 200 last year” (Ruddock 1999e). In response the government introduced three “tough new initiatives” aimed at reducing the number of illegal arrivals (Ruddock 1999g). These measures included the introduction of three year temporary protection visas, refusing Australian onshore protection to refugees with existing “effective protection overseas,” and the implementation of rigorous identity checks for asylum seekers and refugees to ensure “they do not already have protection elsewhere or have been refused refugee status overseas” (Ruddock 1999g). Ruddock argued that these additional measures were warranted because Australia’s refugee and humanitarian program was “under challenge” from refugees “who have been living in security and safety for a number of years in third countries, and are now seeking to get to the front of the queue for asylum places in Australia (1999e, p. 11747).

Ruddock fuelled the government’s concerns regarding unauthorised arrivals by reiterating newspaper claims that “up to 2000 more unauthorised arrivals are believed to be in Indonesia waiting for vessels to bring them to Australia” (McKinnon 1999 p. 5). The Daily Telegraph and Courier-Mail newspapers drove this scaremongering with claims that “Two thousand Iraqis and

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Treonth noted that “The United States of America … has announced its intention to broaden the scope of its border enforcement powers beyond its territorial waters” (1999, p. 10461).
Afghans are in Indonesia planning to travel to Australia as part of the greatest wave of illegal immigration in the nation’s history” (McKinnon 1999 & 1999a).

Gatekeeping refugees with Temporary Protection

Against this background Ruddock railed against what he called “forum shopping” where refugees “gain residence in their country of preference” (1999f). He claimed that this “abuse” undermines the refugee process and takes places from genuine applicants who are languishing in refugee camps around the world” (1999g). Forum shopping Ruddock claimed, was being perpetuated by “people from Iraq, Turkey and Afghanistan” who have been “…outside their country for decades… and were being trafficked to Australia by criminal elements” (1999g).

For Ruddock Australia’s “generous and proud record” of refugee treatment, evidenced by Australia having “the largest per capita refugee and humanitarian program in the world” was being “exploited” by unauthorised arrivals who were queue jumping the established offshore assessment process (1999e, p. 11747). Moreover Ruddock argued that this meant that those “who are genuinely in need” miss out (1999e, p. 11747). The use of Temporary Protection Visas (TPV), Ruddock argued, “would also remove incentives to forum shoppers who might otherwise have considered Australia as their country of protection over closer and more logical alternatives” (1999g). Labor supported these changes with Immigration Spokesman Con Sciacca, asserting “This is not a political issue but an issue of national security and the protection of our borders” (cited in MacDonald 1999, p. 8).

In 1996 the Coalition government had linked the onshore and offshore refugee programs in order to restrict annual refugee intake numbers to 12,000. Ruddock saw his role as program gatekeeper, maintaining a set number of refugees regardless of international circumstances and events, and demand from asylum seekers. He positioned himself as defender of the myth of Australia’s refugee generosity, and in doing this he readily vilified boat arrivals as queue jumpers who were not in genuine need. Ruddock presented TPV as a moral response to ‘forum

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236 The 2000 Senate Inquiry into Australia’s Refugee and Humanitarian Determination Processes, chaired by Jim McKierman dismissed claims from Ruddock and the Department of Immigration and Multicultural Affairs regarding ‘forum shoppers’ with the observation that “It is not clear, however, that there are substantial numbers of forum shoppers” (Senate Standing Committees on Legal and Constitutional Affairs 2000, p.19). A more likely cause of refugee movement the Inquiry found was “loss of refuge in another country” (Senate Standing Committees on Legal and Constitutional Affairs 2000 p. 19).
shopping’ refugees. If the nation state could not determine which refugees came to this country, it could certainly decide how long they could stay. In 1999 Ruddock stated “We also need to have in place a system which ensures that if people have entered Australia they can be removed quickly and promptly if they have no bona fide claims to be here (1999c, p. 915). He would realise this goal with temporary protection and faster processing.

Despite the fact that the TPV measures were interpreted as “anti-people smuggling” (MacDonald 1999, p. 8) and were announced as part of the people smuggling prevention campaign, the temporary protection visa was a ready and divisive means of punishing those who arrived by boat or plane uninvited, by preventing them from gaining permanent residence and access to the full range of rights, assistance and support available to offshore refugees. Temporary Protection introduced a further level of differential treatment to refugees based on whether they were onshore or offshore arrivals. Mares argues that the use of TPV effectively divided refugees coming to Australia into “categories of ‘good’ and ‘bad’” (2001, p. 25) with ‘good’ refugees selected by immigration officials and receiving support and the assurance of permanency, and ‘bad’ refugees arriving in boats, being detained and facing ongoing uncertainty.

Crock et al describe how after release from detention those with a Temporary Protection Visa (TPV) were largely destitute\(^{237}\) and dependent upon state government and NGO support. Crock and Saul (2002) note that the new TPV visa meant refugees were no longer able to sponsor their families. At the end of three years, TPV refugees were, until 2001, able to apply for a permanent protection visa. Marston argues that TPV was introduced as a “direct deterrent to onshore arrivals” and its purpose was to “coerce refugees into returning home” (Marston 2003, p. 15).

While temporary protection itself was not illegal under international law, the UNHCR advised that it should only be used “to meet urgent protection needs during a mass influx of people”, as Australia had done post-Tiananmen Square, and for Kosovo and East Timor refugees (Crock et al 2006, p. 138 – 140). Temporary protection, described by the Refugee Council of Australia as “morally and legally questionable” (cited in Crock & Saul 2002, p. 106), diminished the rights of

\(^{237}\) Mares says that TPV refugees were released with a special welfare payment equivalent to 90 percent of unemployment benefits, access to Medicare, rent assistance and work rights whereas offshore refugees were released with housing support, English language training and other settlement support designed to assist people making their homes in Australia. Crock et al note that after two years it was possible to apply for Australian citizenship (2006, p. 133).
onshore refugees in Australia. Crock and Saul argue that temporary protection “constitutes punishment of those who did not apply offshore through formal immigration channels” (2002, p. 106).

Moreover Crock and Saul (2002) demonstrate a key consequence of this policy, which denied family reunion, was the greater likelihood that men would bring their families with them on the boat journey. This denial of family reunion constituted a breach of international law, and the consequences have been monstrous for refugee families. Crock and Saul (2002) argue that the October 1999 introduction of TPV changed irrevocably the profile of refugees arriving in boats. Prior to this time approximately 80 per cent of boat arrivals were men aged between 18 – 50 years old, and 5 per cent of refugees were children (Crock & Saul 2002, p. 77). The TPV policy change had an immediate effect on the number of children arriving by boat. Crock and Saul use data from the Department of Immigration to show that in the first year after the TPV policy was introduced, 17.2 per cent of arrivals were children, and in the following year 34.4 per cent were children.²³⁸

A Failed Attempt to Limit High Court Reviews

The Howard government proposed two further measures in relation to people smuggling; further limits on judicial review; and public education campaigns. A 1996 Coalition election promise was to develop legislation which would overturn Labor’s 1994 scheme for visa decision reviews and “restrict access to judicial review in all but exceptional circumstances” (Campbell 1997, 7104). This was necessary due to the “growing cost and incidence of, and delays resulting from, litigation” (Campbell 1997, 7104). Sackville argues that the Howard government simply wanted to reduce “challenges to migration decisions in the courts’ (2000, p. 195).

Immigration Minister Ruddock argued that the Migration Legislation Amendment (Judicial Review) Bill 1998 was a necessary part of the government’s response to people smuggling which would “limit the grounds for judicial review of migration matters, particularly for unauthorised arrivals, and provide a clear message that people will not be able to use the judicial review system simply to prolong their stay in Australia” (1999f, p. 10147). Ruddock, like previous Immigration Ministers, believed that the courts were both too generous in their treatment of

²³⁸ Crock and Saul have based their figures on children in detention “since all boat people are mandatorily detained” (2002, p. 78).
refugee claims, and were slowing down the government’s refugee processing. In Ruddock’s view, this contributed to Australia being considered a “soft target” by people smugglers who “exploit the limitations of our current laws” (1999f, p. 10147). In 1999 the Labor Party supported the government’s stance on people smuggling but opposed any further limits to judicial review. Labor’s Con Sciacca particularly objected to the privative clause stating:

There is an outrage among humanitarian and refugee groups, among legal associations, among High Court judges and eminent jurists, when it comes to this minister’s decisions, proposals and statements. I understand that including this privative clause could be in breach of our United Nations conventions on refugees. The minister is challenging the Constitution and the separation of powers. The courts in this country are, if you will, the independent watchdog of the politicians (1999a, p. 7597).

The privative clause, which aimed to restrict both High Court and Federal Court review was not passed by the Australian parliament until 2001 when the combined political circumstances of Tampa and 9/11 changed irrevocably assumptions about the management and deterrence of asylum seekers. The final component of the new anti-people smuggling policy regime involved a novel, but problematic media campaign.

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239 Crock and Saul explain that privative clauses usually protect the decisions of inferior courts or fact finding bodies (such as medical tribunals) from judicial review. This, the authors say, means privative clauses “do not offend against the notion of that bodies making final determinations on points of law should be courts” (2002, p. 60), which is fundamental to the separation of powers. However in the case of the Migration Legislation Amendment (Judicial Review) Bill the privative clause was being proposed to prevent the decisions of the Refugee Review Tribunal and other migration tribunals from review by the High Court (2002, p. 60). Parliament cannot legislate changes in access to the High Court. This can only be done by referendum.
‘I hope these boat people realise they will be attacked by crocodiles, sharks and snakes’


‘Pay a People Smuggler and You’ll Pay the Price’ Media Campaign

Peter Nicholson’s cartoon, has Prime Minister John Howard wearing a crocodile mask, Phillip Ruddock wearing a shark fin, Alexander Downer wearing a pair of snakes, and a fourth member of the Coalition disguised as a shark. Ruddock’s moral tone is evident with his statement to Howard; ‘I hope these boat people realise they will be attacked by crocodiles, sharks and snakes.’ Nicholson has portrayed Ruddock taking the lead on this issue, and he is represented as a somewhat crazed, finger-waving figure. The cartoon was published in the *Australian* as a response to the Department of Immigration’s ominously titled media campaign, ‘Pay a People Smuggler and You’ll Pay the Price.’ The campaign had been launched in 1999 and in mid-2000

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240 This is possibly John Moore who was Minister for Defence.

241 The campaign included information kits, posters, flyers, fact sheets, maps of people smuggling routes, media releases by Phillip Ruddock and the video (Schloenhardt & Philipson 2013).
Phillip Ruddock launched an accompanying series of television advertisements which were screened in Turkey, Syria, Jordan and Pakistan (Nicholson & Daley 1999).242

Schloenhardt and Philipson suggest that the campaign was designed to warn of the costs and dangers of people smuggling including the possibilities of detection, detention and imposition of penalties. The point of Nicholson’s cartoon was the Department of Immigration’s warnings regarding Australia’s natural dangers. Nicholson has cleverly juxtaposed the threats identified by the Australian government, with the key members of the Coalition, suggesting that Australia’s flora and fauna are less problematic and less risky for asylum seekers than the representatives of the Australian state.

The Howard government promoted the idea that Australia was besieged by people smugglers who were bringing large numbers of refugees to Australia. This representation gave legitimacy to the introduction of border protection and surveillance measures, the abolition of permanent residence, and increases in penalties in an attempt to deter unauthorised arrivals. Nicholson suggests that against that armoury, the threat of crocodiles, sharks and snakes would be insignificant.

Schloenhardt and Philipson’s evaluation of the ‘Pay a People Smuggler and You’ll Pay the Price’ campaign, the first of five campaigns developed by the Department of Immigration between 1999 and 2013, was forthright in its assessment that the campaign was an abject failure; “This campaign was an ill-conceived and clumsy first attempt to scare smuggled migrants and instil fear that their journey to Australia could be a dangerous and ultimately unsuccessful one” (2013, p. 11). The authors also found the campaign failed to engage with why migrants were using people smugglers to come to Australia, and the underlying causes of irregular migration.

Schloenhardt and Philipson argue that the campaign “deliberately built on xenophobic sentiments within the Australian community by over-emphasising the criminality of migrant smuggling and labelling smuggled migrants as unwanted illegal entrants” (2013, p. 11). The campaign reinforced the illegality of people smuggling, and by association, the illegality of asylum seekers. Moreover against this negative framing, Schloenhardt and Philipson concluded there was “no indication to suggest that the campaign deterred any smuggled migrants in any way, let

242The ads were aired on both commercial and public television broadcasters in these countries (Schloenhardt & Philipson 2013).
alone that it reduced the levels of migrant smuggling to Australia in the medium and long term” (2013, p. 21).243

Conclusion

The 1996 election of John Howard’s conservative Liberal and National Coalition government represented the beginning of a new era in Australian race and identity politics. The Howard government accepted the grievance politics of Hanson and her One Nation party to foster narrow attitudes and hostilities in both immigration and Aboriginal policy. This mix enabled the Howard government to both undermine and remove many hard-won gains for migrants and Indigenous people. Moreover Howard’s opposition to political correctness sanctioned new public talk of racism and exclusion. In this environment the Coalition both created, and fuelled the conditions for a more hostile national regime targeting the arrival of onshore asylum seekers and refugees. Using dog whistle politics and persuasive discourses of illegality and queue jumping, unauthorised arrivals were represented as a threat to the nation’s security. At the same time the myth and rhetoric of Australian generosity towards refugees was reassuringly reiterated and reinforced by the Howard government. A rare moment of genuine public support forced the Howard government to accept Kosovo refugees.

In retrospect it now seems clear that the Howard government approached the challenge of refugee policy development like a medieval fortification process, attempting to secure the nation from the ‘threat’ of asylum seekers, refugees and people smugglers. The incremental adoption of a range of measures in this increasingly complex regime included the TPV, border protection policies which extended the reach of territorial control, arming and enhancing the power of Coastwatch and Customs officials, and ill-fated media campaigns.

This mix of surveillance, security and exclusion strategies was designed to keep out people arriving in boats. It was justified politically by the need to counter perceptions of Australia being “seen as a soft target” for people smugglers (Sciacca 1999b, p. 7992; Ruddock 1999f, p. 10147). However beneath the anti-people smuggler rhetoric, these measures were designed to

243Schloenhardt and Philipson noted that tourist operators objected to the negative representations of Australia with the result that “some parts of the campaign were quickly mothballed” (2013, p. 11).
prevent asylum seekers arriving by boat. People smuggling was problematised but the policy responses, and policy assumptions, were targeted at both people smuggling operations, and asylum seekers.

Tainter and Taylor’s (2014) analysis of problem solving effectiveness provides a useful approach for understanding the increasingly complex refugee policy regime developed by the Howard government. The authors’ organisational research highlights the ways in which “increasing complexity, effective at first, seems inexorably to accumulate and to evolve to diminishing returns, undermining the ability to solve future problems” (2014, p. 180). Under the Howard government refugee policy arrangements traversed a complex mix of domestic and international law, as well as a range of national policy areas including criminal law, foreign affairs, defence, border surveillance and migration law, and a mix of civil, military and legal organisational arrangements.

This mix fits Tainter and Taylor’s description of complexity as “adding different kinds of parts to a system combined with organisational constraints on the behaviour of those parts” (2014, p. 169). The authors use the US government responses to 9/11 to demonstrate that the first response to this threat was to “complexify – to diversify structure and function, and to increase organization or control” resulting in “more complexity imposing more costs… Carried far enough, this produces fiscal weakness, disaffection of the population and ineffectiveness in problem-solving” (2014, p. 169). Tainter and Taylor suggest the problem of more complexity is that “more and more is invested to achieve less and less” (2014, p. 170). The Howard government refugee policy regime also diversified the functions and structure of refugee and border surveillance agencies, and increased state reach and control into new areas. Moreover these new functions were added to the earlier refugee policy measures creating a costly and complex system.

Using the language of crisis and threat posed by people smuggling, the Howard government successfully framed unauthorised arrivals with a range of negative stereotypes; as queue jumpers, illegals, criminals, and as displacing those in genuine need. Fassin argues that the “performative power of words” has been successful in making the “repression” of asylum seekers “socially acceptable” (2005, p. 375). Negative representations thus served to “disqualify” asylum seekers from their legal entitlements and nation state obligations (Fassin 2005, p. 375). In this way the legitimacy of refugee policy, and its trenchant and harsh practices,
were normalised in the 1990s through popular, media and bipartisan political discourse. This was possible and accepted uncritically in Australia because of the racist political base which had flourished under the Howard led Coalition. Nationalist and sovereignty discourses were used to dog whistle opposition to asylum seekers arriving in boats. These discourses gave legitimacy to the nation’s virulent practices of exclusion and border control.

At the same time that Australia’s refugee policy functions were expanded Fassin (2005) notes the emergence of a moral economy in France which privileged security over humanitarianism. Fassin uses the idea of moral economy as “the economy of the moral values and norms of a given group in a given moment” (2005, p. 365) to analyse French refugee policy which he suggests oscillates between “sentiments of sympathy on the one hand and concern for order on the other hand” (2005, p. 366). The result is a tension between “a politics of pity and policies of control” (Fassin 2005, p 366).

The effect for refugee policy is the adoption of “draconian measures to protect national borders, even at the expense of obligations towards refugees” (Zolberg cited in Fassin 2005, p.375). Fassin identifies these draconian measures adopted in France and it is no surprise that they are strikingly similar to those adopted at the same time in Australia; the first is “dissuasive and based on the principle of deterrence,” the second is “repressive and corresponds to a “criminalization of immigrants” and the third involves a “disguised and precarious form of temporary status” (Fassin 2005, p. 376).

For Fassin these measures are part of the new ‘common sense’ regarding asylum seekers in France, and which have been mirrored in Australia and elsewhere, where “relative tolerance” of asylum seekers has shifted to a “general mistrust” or worse (Fassin 2005, p. 369). In Australia this mistrust has slowly eroded the humanitarianism of post war responses to refugees and by the 1990s, was replaced by the language and logic of border protection. Despite the new regimes of surveillance and deterrence more boats arrived at the end of the 20th century and

244 Fassin (2001) describes the particular “biopolitics” of French refugee policy which has enabled “people with life threatening pathologies who are unable to receive proper treatment in their home countries” to claim legal status and residence permits (2001, p. 4). Fassin notes that by 1998 there was a ban on expelling foreigners with severe health problems (2005). He calls the “legitimization of rights in the name of the suffering body – “biolegitimacy” (Fassin 2005, p.373 )

245 France passed a law in 1998 creating a form of temporary protection for refugees which Fassin says required reassessment every year to determine if circumstances in the country of origin were “deemed to be more democratic and stable” and could “facilitate a return” (2005, p. 377).
into the new century and beyond. The ‘new fortress’ offered protection to ‘genuine refugees’ and continued to mythologise Australian generosity. However for people seeking refuge from the violence and persecution of Iraq, Afghanistan and Pakistan a new battleground was looming.

Despite the significance of these policy measures, and their impact on asylum seekers and refugees, political cartoonists generally did not capture these developments. Their interest in this period was with drawing the politics of race and throughout this time both Howard and Hanson provided fertile ground. Generally cartoonists have only responded to asylum seeker and refugee issues when they can directly associate or link the subject with Prime Minister Howard. Throughout this period Howard seems to be central the focus of cartoons rather than asylum seeker and refugee issues or policy decisions. In the late 1990s asylum seeker and refugee issues did not readily capture the attention of either the media or cartoonists. However as the new chapter shows, in the new millennium this would change significantly.
Chapter 8  “... stop that flow of humanity”: 246 Tampa, September 11 and Australia’s state of exception 1999-2001

For asylum seekers coming to Australia by boat in the second half of 2001, those were, in Hannah Arendt’s terms, “dark times” (Arendt 1993). While the dark times resulted in part from what had led them to flee their homelands and refugee camps, it also had a lot to do with the terrible circumstances that awaited them in western nations like Australia. At the end of the millennium the Howard government’s asylum seeker and refugee policies reflected the language and logic of border protection. However this increasingly complex and hostile policy regime could not prevent asylum seekers continuing to arrive in boats. By late 2001 a combination of global events and domestic politics would fundamentally transform Australia’s engagement with asylum seekers and refugees, eroding the last vestiges of the nation’s humanitarianism.

The arrival of the Tampa, and the September 11 attacks on the World Trade Centre, presented the Howard government with a strategic opportunity to introduce a series of unprecedented measures to stop asylum seekers and refugees from entering Australia. In its handling of the Tampa incident, the Howard government linked national interest with border integrity and sovereignty. In its response to the US terrorist attacks, the Howard government introduced a new domestic national security regime. By strategically linking asylum seekers with terrorism, the Howard government was able to introduce harsh new border protection and migration legislation. The legislation engaged the military in surveillance and turning boats back, nearby islands were excised from Australia’s migration zone preventing asylum seekers who landed from making refugee claims, and new limits were placed on judicial review. The ‘Pacific Solution’ established offshore processing on Nauru and Manus Island, and the definition of a refugee was tightened.

Despite the sinking of the SIEV X, in which 353 people drowned, the political propaganda of the Children Overboard scandal, and a much harsher asylum seeker and refugee policy regime, the Howard government increased its political support. The strategy of demonising asylum seekers was both electorally popular and gained the bipartisan support of the Labor opposition. These developments heralded the ‘state of exception’ as a new mode of reason in shaping the nation state’s engagement with asylum seekers arriving in boats. The modest

humanitarianism of previous decades, which had tempered the nation’s racist tendencies in both immigration and refugee policy, would be subsumed in the new deployment of the military, the imperatives of security and the excision of Australian borders.

The historical compact to provide protection for refugees under the terms of the 1951 Refugee Convention and 1967 Protocol was irrevocably weakened at the beginning of the new century. State-led hostility towards asylum seekers and refugees was strengthened as the Howard government opened remote detention centres and allowed a brutal state regime to expand and flourish. Neither the spectacle of rioting refugees or traumatised children would weaken the Howard government’s determination to punish and demonise those who had arrived in boats.

This chapter concludes the thesis with analysis of political cartoons of the events and policy developments which created a state of exception in Australian asylum seeker and refugee policy. The story of Australian refugee policy does not end here; rather the events of 2001 have been instrumental in setting the agenda for Australia’s future engagement with asylum seekers and refugees. The new and dark biopolitics which are the subject of this chapter remain an enduring force in Australian politics for excluding and punishing those bodies who happen to be amongst the world’s most persecuted.

The Global Trend to Tighten Borders and Mistrust Refugees

The Tampa incident, and the subsequent responses implemented by the Howard government, marked a quantum shift in the nation’s engagement with asylum seekers and refugees arriving in boats. But the government did not suddenly change its refugee policy direction. Since its election in 1996 the Coalition had problematised asylum seekers arriving in boats as illegals and as criminals and had adopted a range of deterrence policies, practices and penalties. As discussed in the previous chapter, these measures sought to fortify the nation to prevent boat arrivals with measures that included mandatory detention, fines and prison terms for people smuggling, public education campaigns, limited access to refugee determinations and legal aid, deportation, and temporary protection visas247 which both limited Australian protection for refugees and prevented family reunions. Discourses emerged which characterised asylum

247 The UNHCR issued a statement on 19 November 1999 that confirmed the Temporary Protection Visa arrangements were consistent with Australia’s international obligations under the Refugees Convention (Senate Standing Committee on Legal and Constitutional Affairs 2000, p. 21).
seekers as either good or bad, depending on how they had arrived in Australia (Manne & Corlett 2004). While the Howard government and its predecessors had incrementally cultivated national antagonism towards asylum seekers arriving in boats, negative and hostile representations of asylum seekers were not restricted to Australia.

Here Fassin’s observation of the West’s paradoxical relationship with refugees is compelling. He says “whereas the global presence of refugees has become much more significant, their protection has been continuously restricted in affluent societies” (2013, p. 45). UNHCR reports confirmed this pattern, noting that “a general trend of tightening borders was discernible throughout the world” (UNHCR 2001, p. 8). The UNHCR also indicated that for countries “with legally sophisticated asylum systems” which describes Australia as well as other Western countries, “concerns about the trafficking and smuggling of persons led to the tightening of control measures to prevent irregular migration” (UNHCR 2001, p. 8). Finally the UNHCR noted how “prolonged detention remained a concern in a number of countries” (UNHCR 2001, p. 8).

These trends reflected what Daniel and Knudsen have called “the erosion of trust” in relation to refugees (1995, p. 1). They argue that “in the life of a refugee, trust is overwhelmed by mistrust, besieged by suspicion, and relentlessly undermined by caprice” (1995, p. 1-2). For Daniel and Knudsen mistrust is a growing response to the claims of asylum seekers, and as a “cultural value,” is “available for invocation into conscious ideology or normative recitation” (1995, p. 2). Mistrust translated into the adoption by countries such as Australia of public discourses of suspicion seeking to discredit asylum seekers and their claims for refugee status, deny their identity, and adopt state bureaucratic and judicial processes to contain, detain and/or reject individual asylum seekers.

In Australia this mistrust of refugees was evident in new regimes of proof seeking and scrutiny. As well these practices reflected the systematic effort to limit the number of asylum seekers to nominated policy quotas. For the twenty year period 1980 – 2000, and despite the increase in numbers of asylum seekers globally, and associated increased demand for refugee protection, Australia maintained an annual refugee quota of 12,000 places. As Watts argues, numbers matter as “an integral part of the technology of power in a modern state” (2003, p. 28). In this way refugee intake numbers were tightly controlled so that any growth in refugee
numbers was systematically resisted while at the same time the fiction of Australian generosity was maintained.\textsuperscript{248}

The dominant discourse in Australia was of a generous nation being overwhelmed by asylum seekers arriving in boats. The increase in asylum seekers arriving in boats challenged perceptions of nation state sovereignty and the illusion of control which had been constructed around Australia's refugee program. The very public counting of boats and refugee arrivals was a powerful influence on popular perceptions at this time, politicising the refugee program with alarmist and fearful discourses.\textsuperscript{249}

\begin{figure}[h]
\centering
\includegraphics[width=\textwidth]{image.png}
\caption{‘Middle East Illegal Immigrants’}
\end{figure}

\textit{Mark Knight, The Herald Sun, 16 November 1999}

\textsuperscript{248} In 2000 data listing the twenty Top Refugee Hosting Countries in terms of refugee population numbers, and the twenty Top Refugee Hosting countries based on refuge numbers per 1,000 inhabitants did not list Australia. For that year Australia was listed in the top 15 UNHCR donors (UNHCR 2000). Mares notes that when the UNHCR ranked the top forty asylum accepting countries, in order of their total refugee population, Australia was ranked at thirty-three (2002, p. 102).

\textsuperscript{249} A Department of Immigration and Multicultural Affairs (DIMA) official claimed to the 2000 Senate Inquiry into the operation of Australia’s refugee and humanitarian program: …that if the rate of arrivals for the 1998-99 financial year of 400 a month were to continue there would be close to 5,000 illegal boat arrivals per year. If the November 1999 rate continued, then the figure could be as high as 15,000 persons per year – that is, around 42 arrivals per day (Senate Standing Committee on Legal and Constitutional Affairs 2000, p. 21). Against these fearful projections, the Jesuit Refugee Service countered to the same Inquiry that “…for too long in Australia there has been a strong public perception that that we are being inundated by thousands of people in boats, whereas most of the time it is about one person per day” (Senate Standing Committee on Legal and Constitutional Affairs 2000, p. 21).
Discrediting Refugees: Fear Mongering and Border Assault Claims

Boats continued arriving on Christmas Island and Ashmore Reef throughout 1999 - 2000, carrying asylum seekers from Afghanistan, Iraq and Iran. In this context Coalition government and DIMA projections of refugee numbers fuelled an atmosphere of crisis and panic (Mares 2002). Mark Knight’s cartoon ‘Middle East Illegal Immigrants’ was a response to the hyperbolic claims of Immigration Minister Ruddock that “entire villages in the Middle East were packing up in preparation to try to travel to Australia” (cited in MacDonald 1999a, p. 1). Describing this as a “national emergency” Ruddock insisted that there was “a flood of illegal migrants planning to sail to Australia” with 10,000 boat people planning to try to come Australia via “a well-organised people-smuggling syndicate operating in Indonesia” (cited in MacDonald 1999a, p. 1). There was, Ruddock reported, an “assault on our borders” (cited in Mares, 2002, p. 28).

It is true enough that boat numbers and asylum seeker arrivals did increase significantly from mid-1999. Millbank reported at the time that the “wave of boat arrivals is the largest ever to reach Australia, and in the shortest time frame” (1999, p. 1). Manne and Corlett (2004) quote UNHCR figures for 1999 pointing to a global population of 2.5 million Afghan and 600,000 Iraqi refugees (2004, p. 5). According to Manne and Corlett, Iraq, Afghanistan and Iran had experienced decades of a “kind of perpetual turmoil” (2004, p. 6). Moreover the authors note that many refugees with resources began to turn to people smugglers for passage to safety where “one of the cheapest passages at the time was to Australia” (Manne & Corlett 2004, p. 6).

Knight’s cartoon represents Ruddock’s fear mongering innuendo with an imaginative drawing of a camel filled with people of Middle Eastern appearance. Knight’s Middle Eastern symbolism uses a camel which is represented not as a ship of the desert, but as a ship carrying human cargo across the seas. Knight’s Middle Eastern stereotypes reproduce Australians’ ignorance of Iraq and Afghanistan. At the time Ruddock was attempting the get both Labor

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251 Millbank stated that between January to December 1999, there were 3,000 arrivals, 1,200 of whom arrived in November (1999).
252 Manne and Corlett attribute this turmoil to “the Iranian Islamic revolution, the consolidation of Baathist totalitarian rule in Iraq; the eight year Iran-Iraq war; and in Afghanistan… the Soviet invasion, the resistance of the mujahideen, the rise of the fearsome fundamentalist Islamic Taliban regime” (2004, p. 6-7).

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and the Democrats to support the ‘forum shopping’ amendments to the 1999 Border Protection Legislation Amendment Bill in the Senate.

The amendments gave the minister the power to remove asylum seekers “who may be able to seek the protection of a third country, who has not sought that protection or who has sought that protection and had previously availed himself or herself of it but then came to Australia” (Sciacca 1999c, p. 12732). An Age editorial described the measures as a “significant toughening of Australia’s current rules” and while it supported these measures, urged Ruddock to “dispense with the hyperbole and… instead of scaremongering focus on active measures… that make it clear in the countries of origin and transit that those seeking to jump the immigration queues are not welcome and will be rapidly deported” (Editorial The Age 19 November 1999).

In his assessment of Ruddock’s claim that “We are facing the biggest assault to our borders by unauthorised arrivals ever” (Ruddock 1999h), Manne argues Ruddock “excited the oldest Australian nightmare, of invasion from the north” (2005, p. 398). Hage (2011) argues that until the end of the 20th century it was Asians rather than Muslims who were Australia’s “threatening other” (p. 160). Ruddock’s ‘Middle Eastern villages’ specter was pivotal in changing popular perceptions of refugees and linking anti-refugee sentiment with anti-Muslim attitudes. Moreover the ‘whole villages’ claim by Ruddock was, Manne and Corlett (2004) argue, designed to discredit asylum seekers by implying an economic rather than political motivation. Liberal Senator for Queensland Kathy Sullivan echoed the scaremongering with the observation “There is a very deep concern about what the arrival of all these boatloads of people means for the future of the country” (1999, p. 12734).

Labor opposition spokesperson Con Sciacca argued that Ruddock’s claims were politically motivated stating: “I think it was playing wedge politics at its possible worst. I think he unnecessarily alarmed the Australian public by saying that this is a much bigger problem than it is” (1999c, p. 12732). Labor had supported the government’s range of temporary protection and border protection measures, and Sciacca’s claim that “these measures give the minister and the government the armory they want” (1999, p. 12732) was an important insight which recognised that the government was waging a systematic war against asylum seekers and building barriers to keep them out.
John Murphy, Labor member for Lowe saw the government’s “frantic, panicky legislation” as inadequate, and argued for strengthening the coast guard because, as he saw it,

We are at war. This is the front line of the drugs war, the war against criminals and the war against breaches of our very sovereignty… This is in every sense a war and the Howard government refuses to allocate the manpower needed to fight the war (Murphy 1999, p. 12309).

Pickering (2005) argues that a war metaphor, when applied to refugees, serves to demarcate sides, and in the case of asylum seekers “the boundaries are easily identified by the discrete nation-state – not only fixed national and geographic boundaries, but also those of race” (2005, p. 26). Moreover Pickering suggests that “in constructing a war, identities and individuals are irrelevant and excluded – there are simply sides – ‘ours’ and ‘theirs’” (2005, p. 26). Pickering’s argument is that war metaphors were part of the range of discourses which “justify and pre-empt repressive state responses” towards refugees (2005, p. 51). For Pickering (2005) building consent and a sense of the ‘problem’ of asylum seekers relied on the use of symbolic messages which constructed asylum seekers as illegals, queue jumpers and forum shoppers. Popular consent depended on opposition and hostility towards refugees, with the creation and maintenance of an ‘other’. For Coalition leader John Howard, talk-back radio offered a ready medium to further this ideology and promote the Coalition’s problematisations of asylum seekers.

‘Meanwhile out there in battler-land…her ghost may be heard’
Geoff Pryor, Canberra Times, 25 November 1999

The Power of Talkback
Geoff Pryor’s cartoon, ‘…her ghost may be heard’ was a reference to the Senate debates regarding the Migration Regulations Amendment 1999 in which Greens Senator Bob Brown and Democrat Senator Andrew Bartlett both highlighted how the Coalition was implementing One Nation policy, with bipartisan support from Labor. Pryor has drawn Prime Minister Howard and Leader of the Opposition Kim Beazley sitting in a radio station both talking into microphones. Each has a set of notes on boat people and the Timor levy. Pryor’s was an important observation about the increasing role and power of radio in political communication. Kelly argued at the time that the “rise of radio, and decline of newspapers and television as political agents is central to the changing political culture” and he claimed Howard was over-reliant on radio with the result that “his populist rhetoric largely confirms the worldview of the talkback jocks” (2000 p. 24). For Kelly radio shock jocks were “the new instrument of power” able to “manipulate outrage” regarding popular issues (2001a, p. 24). Pryor’s cartoon shows Howard and Beazley united on boat people and temporary protection visas, supporting policy originally proposed by One Nation.

Pryor has drawn Hanson’s outline, giving her a presence in policy making, because as Bartlett notes, while One Nation were politically diminished, “they have succeeded in getting their policy principles taken on board and adopted by both the two major parties in this place” (1999, p. 10618). Greens Senator Bob Brown was also opposed to the Amendment and also noted the Hanson lineage stating;

During the last federal election campaign… Pauline Hanson proposed a temporary protection regime for refugees and was condemned by both the coalition and Labor... How is it then that, on 20 October, the government introduced new regulations mirroring Pauline Hanson's policies, with barely a murmur from the opposition or, for that matter, large sections of the press? (1999, p. 10609).

Pryor’s suggestion is that Hanson was still influential in Australian politics, and Tasmanian Independent Senator Brian Harradine spelt out the nature of that influence in his speech opposing the Amendment; “…there is a xenophobic atmosphere being created in order to have this parliament accept a regulation which will discriminate against the genuine refugee” (1999, p. 10615).

Pryor has included the refrain from Waltzing Matilda in his ‘Meanwhile out there in battler-land…her ghost may be heard’ title, suggesting that Hanson’s racist ghost continues in refugee policy and thrives over the airwaves. ‘Battler-land’ was a reference to the grievance politics
which had brought both Howard and Hanson to office in 1996. Since his election, radio was Howard’s preferred medium of communication. Radio gave Howard ready access to his preferred constituency and he used commercial radio in particular to get his message across to voters. Rundle explains the seductive power of radio:

Speaking to the housebound, to people in their cars, workers on sites, the medium abolishes the distance between speaker and listener, and generates the feeling that someone is speaking their thoughts for them, saying what ‘any right-thinking individual’ would say (2001, p. 29).

In a Washington speech Howard acknowledged the power of radio in his electoral success stating; “Talkback radio is tremendously important in Australia, enormously important. It has played a greater role in shaping and determining the election outcomes over the last few years…” (cited in Melalogenis 2003, p. 169). Ward suggests that radio is an “electronic sidestep” which enables politicians such as Howard to “evade informed, persistent questioning by Gallery journalists” (2002, p. 22-23). According to Ward, Howard exploited radio at that time because it was a key news source, and he found talkback hosts such as Alan Jones, Neil Mitchell and John Laws “relatively sympathetic” (2002, p. 25). More importantly, the primary reason Howard utilised radio was for the “‘naturally sympathetic audience’ – one that is different – and inherently more conservative – than the mainstream media audience” (Ward 2002, p. 25 - 26).

Manne argues that the Coalition and Immigration Minister Ruddock deliberately initiated a “very successful campaign of scaremongering and disinformation” regarding asylum seekers from Afghanistan, Iraq and Iran which was in part made possible because of Australians’ lack of familiarity with the politics of these countries (2005, p. 398). Journalist Paul Kelly’s damning assessment of John Howard highlighted Howard’s attraction to, and manipulation of popular opinion;

The truth is that Howard is the most knee-jerk, poll reactive, populist prime minister in the past 50 years. He has turned the leadership virtue of listening to community reaction into a desperate overreaction to transitory opinion inflamed by tabloid headlines and talkback jocks (2000, p. 21).

The Howard government wanted to convey the message to both the Australia public that it was tough on asylum seekers, and to asylum seekers and people smugglers that they were not

253 An example of Howard’s use of radio to vilify asylum seekers was his claim on 3AW with Neil Mitchell, that “Australia had become an attractive destination for illegal immigration because there is a view around the world that we are an easy touch” (cited in Henderson 1999).
welcome in Australia. The message was about the consequences of arrival by boat and how men, women and children would be detained and punished by the state. While the deterrence message was becoming increasingly familiar, any sense of what life was like in Australian detention centres was not, given the remote locations of the Port Hedland and newly opened Woomera facilities and associated security and secrecy.

![Cartoon of people being dropped outside a fence with a sign reading “Welcome to Woomera Our Motto: Out of Sight. Out of Mind”]

‘Welcome to Woomera Our Motto: Out of Sight. Out of Mind’
Peter Nicholson *The Australian*, 2 December 1999

**Producing the Refugee Spectacle: Woomera, Riots and State Brutality**

Peter Nicholson’s cartoon, ‘Welcome to Woomera Our Motto: Out of Sight. Out of Mind’ was a response to the Coalition decision to open another detention facility in a remote location, at Woomera, in the north west of South Australia. Nicholson’s cartoon captures the hot desert sun location, and the vast, isolated Woomera facility. He has a group of men, women and children of Middle Eastern appearance, carrying luggage. This group have been dropped outside the gates of a fenced and secure camp. The absence of immigration officials

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254 The facility was a former Defence Department camp which had originally been established in the 1940s as a weapons testing rocket range.

255 Woomera was managed by Australasian Correctional Management (ACM), a subsidiary of the U.S Wakenhut Corporation.
or detention centre staff in the cartoon suggests that these very normal looking people are in the wrong place. Nicholson’s ‘out of sight out of mind’ motto suggests that the placement of a detention facility in such a remote outback location was a way of ensuring the asylum seekers, and the facility itself, would avoid public scrutiny. Marr and Wilkinson (2004) note that the Department of Immigration had for more than ten years limited both information about and access to detention facilities.

According to Acting Minister for Immigration and Multicultural Affairs, and Minister for Justice and Customs Senator Amanda Vanstone, the decision to open a new detention centre was based on the influx of “illegal immigrants” (1999). Vanstone claimed the government’s detention regime was designed to “make Australia a less attractive destination for illegal immigrants” (1999a). Moreover Vanstone insisted that the regime was “consistent with our protection obligations” and asserted that the Howard government had “chosen to be more generous than we are obliged to be to people who play by the rules, those people who seek to enter Australia legally” (1999a).

The refugee status of boat people was consistently overlooked and denied by the Howard government with claims that they were illegal. At the same time those refugees “who play by the rules” were welcomed. In this way international obligations were constantly subsumed by the imperatives of domestic sovereignty. These dual processes of exclusion and inclusion allowed the Howard government to banish asylum seekers who arrived in boats, regardless of their refugee status, while claiming generosity for its settlement of offshore refugees. Mode of arrival continued to be at the forefront of the nation’s engagement with and treatment of asylum seekers, and the detention centre was pivotal in this demarcation.

By mid-2000 the Woomera Detention centre attracted a great of media coverage when approximately 500 of the 1,400 asylum seekers detained at Woomera broke out of the facility and occupied the Woomera town centre. The cause of the breakout according to spokesmen, was the asylum seekers “had been treated “like animals,” kept in conditions “like a jail,” beaten by security guards and held for too long without due process, information, legal rights or outside contact” (Lohr 2000). In contrast Minister Ruddock’s explanation for the

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256 Vanstone reported that existing facilities were at capacity with “768 illegal entrants at the Port Hedland Centre and 654 at Curtin which, with the arrival of these latest boats, will increase to more than 980” (1999).
breakout was that the courts had “intruded into the way in which protection issues are addressed” adding to the length of detention (2000, p. 18160).

The Woomera breakout was followed by breakouts at both the Curtain and Port Hedland Detention centres, with asylum seekers protesting at living conditions and the length of detention as a result of long processing times. Mares (2002) says that in the first six months of its operation, not a single person was released from Woomera. Within a month of the breakout, Immigration Minister Phillip Ruddock visited Woomera, and within weeks the first of Woomera’s refugees were released (Mares 2002). Mares (2002) explained that the delay in assessing asylum seekers was due to the twofold assessment process which required a first refugee assessment from the Department of Immigration, and a second security assessment from ASIO.

By 2001 “riots had become commonplace” (MacCallum 2002, p. 36). This was despite the pressure from Australasian Correctional Management to suppress problems and dissent. In their efforts to contain the Woomera dissent, Australasian Correctional Management used batons, tear gas and water cannons, which MacCallum says resembled scenes “from any major bust-up at a maximum security jail in the United States” (2002, p. 30). The scenes at Woomera were ugly and politically “did great damage to asylum seekers and refugees” (Mares 2002, p. 49). Moreover Mares argues that the riots reinforced perceptions of asylum seekers as dangerous criminals and became “proof of why mandatory detention is necessary” (2002, p 50). Pickering argues that the treatment and experiences of those detained, which involved illegalities, committed by the state, were overlooked and ignored because they “become dangerous to discourses of deterrence” (2005, p. 101). The illegalities of refugees, rather than the illegalities of the state, had to remain the focus if the “so-called protection of the nation state” was the primary aim of detention (Pickering 2005, p. 101).

Pickering says the media coverage of the Woomera protests points to the ways in which refugees “are continually produced and reproduced as an event, a scene, a spectacle” (2005, p. 53). Here Pickering’s interest is in the representation of refugees as criminals as part of a broader pattern constructing refugees as deviant and she argues that “the spectacle is about stepping inside the power to create a crisis – in this case the power to produce the criminality

257 By the end of 2000, some 1,700 asylum seekers had been released from detention and granted Temporary Protection Visas (Taylor & Ashbourne 2000).
of the refugee and to deny, delay or downgrade the criminality of the state” (2005, p. 54). As Pickering observes it is much easier to imagine the refugee as deviant and criminal than it is to imagine the state as criminal. Given asylum seekers were “locked up indefinitely in a privately run prison compound” and demonised by national political leaders as illegals, the leap from refugee to criminal in the public imagination was hardly difficult (MacCallum 2002, p. 30).

The Coalition was able to exploit these representations in order to pass the Migration Legislation Amendment (Immigration Detainees) Bill (No. 2) 2001. The legislation was a direct response to the detention centre riots and unrest, and included measures which further brutalised and criminalised asylum seekers. These included the power to strip search detainees without a warrant, including children up to 10 years old. The ensuring debate highlighted how polarised the parliament was in relation to the treatment of onshore refugees. Proclaiming her support for both strip searches, and the government’s treatment of asylum seekers, National party member for Dawson, De-anne Kelly ignored the fact that the majority of detainees were found to be refugees, and instead emphasised that asylum seekers were illegal and unwelcome; “For those who have somehow lost sight of the central argument in the question of illegal immigrants, we must never forget that these people come to our shores uninvited and unwelcome” (2001, p. 30117).

In marked contrast, newly Independent member for Calwell, Andrew Theophanous258 was opposed to “the punishment regime” and argued that the legislation represented “a very shameful exercise…[and] will in fact impose further burdens on already burdened and oppressed people” (2001, p. 30114).259 Janice Crosio, Labor member for Prospect, was also critical of the detention regime, pointing to “the problems of accountability associated with privatised detention centres” (2001, p. 30129).260

Colin Hollis, Labor member for Macarthur had visited detention centres both in Australia and in Denmark, Sweden, Britain, France, Holland, Germany, Italy and Switzerland. Hollis claimed that “Each and every one of those countries handles the situation with asylum seekers much

258 Theophanous was formerly a member of the ALP from October 1980 until March 2000.
259 Theophanous had visited the Port Hedland detention facility and found that it was Australasian Correctional Management staff, rather than asylum seekers who were responsible for the violence and brutality. Theophanous also stated that a senior ACM staff member was later “charged and convicted of bashing a refugee claimant” (2001, p. 30114).
260 Crosio urged the government to conduct a judicial review of detention centre management and to review its tender process pending the outcome of an inquiry.
better than does Australia” (2001, p. 30133). Hollis provided a powerful, and unusual defense of rioting by asylum seekers, and was critical of the conditions in detention centres. His warning was grim and prophetic:

...there are going to be more riots in our centres. ...The interesting thing is that there are not more riots. All the ingredients are there and there is going to be a death there. You have to visit one of these centres to actually experience the utter despair and the hopelessness of the people. They are locked up behind barbed wire and razor wire in the harshest, most inhospitable parts of Australia... (2001, p. 30133).

While the riots at Woomera, Port Hedland and Curtain preceded the “spectacles of refugee deviance par excellence” of the Tampa incident and Children Overboard scandal (Pickering 2005, p. 70), they nonetheless “prepared the fertile ground for the next great refugee (as criminal) scene” (Pickering 2005, p. 79). Pickering argues the language used to create spectacle denies the human rights of refugees, ensures the refugee “disappears” under migration control, and masks the harm and violence of the state (2005, p. 81). MacCallum argues that the protests, riots and subsequent media coverage of asylum seekers as lawless were “producing exactly the reaction the government wanted” (2002, p. 30).

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261 Labor member for Sydney, Tanya Plibersek challenged the construction of asylum seekers as criminal, and the assumptions underlying the proposed legislation with her series of observations and questions; “...the reality is that in most cases the violence which occurs in these centres is actual or threatened self-harm. We need to ask ourselves the following questions: why is self-harm occurring? Why did the suicide occur? Why did the detainees at Woomera sew their lips together? Why has violence occurred? What can we do to make the detention regime more humane?” (2001, p. 30100)
Shayan Badraie: The Experience of State Persecution and Neglect

In August 2001 a small, public window was opened on the harm and violence perpetrated by the Australian government in the operation of the refugee detention regime by the ABC *Four Corner’s* episode, *The Inside Story* with its investigation of the Badraie family’s treatment at Villawood. The Villawood facility was located in Sydney, but until the story of Shayan Badraie, it too was unknown, because Pickering says, “the sites of deterrence are isolated and apart from community imaginings” (2005, p. 93). Shayan Badraie’s story provided an insight into the harsh reality of life in detention, and the trauma and impact of this life on the human mind. The Iranian Badraie family had been in detention, at both Woomera and Villawood for more than seventeen months where their young son had witnessed the trauma of other asylum seekers setting fire to themselves, attempting suicide and other forms of self-harm. As a result of the family’s escape from Iran and the experience of detention, the boy was diagnosed as being catatonic.

David Rowe’s ‘Villawood your home away from home’ cartoon captured Minister Ruddock’s response to the Four Corner’s program. Rowe’s cartoon has a small boy, crouched and cowering in fear, in a bare cell, beneath a cheery ‘Villawood your home away from home’ sign. Rowe has drawn a Gollumesque Phillip Ruddock looking out from the scene, seemingly unperturbed by the boy’s trauma. Rowe’s message is of an uncaring Ruddock, master of a barbaric and cruel system. The *Four Corner’s* program brought the grim reality of the detention centre regime into Australian homes and challenged fundamentally claims that detention was “something between a motel and a holiday camp” (MacCallum 2002, p. 5).

The *Four Corner’s* representation was immediately challenged and rebutted by Minister Phillip Ruddock, the Department of Immigration and by the ring-wing media. Piers Ackerman, who described the program as “malicious and mendacious” (2001, p. 23) attempted to discredit the

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262 MacCallum notes that the head of the Department of Psychological Medicine at Westmead Children’s Hospital in Sydney, Dr. David Dosseter had seen the boy and advised Ruddock some months earlier that the boy’s condition was the result of trauma he had experienced while in detention. His advice to Ruddock was that the boy be allowed to live in the community. MacCallum says Ruddock “chose to keep this information secret” (2002, p. 6).

263 David Rowe began his career in political cartooning at the *Canberra Times* in the late 1980s, and worked at the *Independent* and other magazines in London before returning to Canberra where he was initially employed to do illustrations and caricatures at the *Australian Financial Review*. He is now editorial cartoonist at the *Australian Financial Review* (Turner, 2000).
Badraie family, while the Department responded with a 25 page defence of detention facilities and their operation. Andrew Bolt provided a detailed critique of the program in which he articulated the fear and mistrust of conservative Australia towards refugees with his observation; “…anyone with a brain -- or a concern to protect Australia from being seen as a soft touch by many thousands of bogus refugees -- would have asked a few more questions before believing such lurid allegations” (2001, p. 21).

Ruddock subsequently appeared on the ABC’s 7.30 program to answer questions regarding the treatment of the boy and his family, generating polarised responses. For some commentators including former Liberal leader John Hewson,264 “the most humane Ruddock” was required to “make most difficult and compassionate choices about the fate of individuals and families that arrive on our shores claiming to be refugees” (2001). For others, Ruddock incurred their wrath because he completely denied the “gender and humanity” of Shayan Badraie by constantly referring to him as “it” (MacCallum 2002, p. 8). Ruddock’s solution in this instance was to separate the boy from his family and place him in foster care with an Iranian family.265

MacCallum argues that this was “an appalling story of neglect, cover-up, and sheer brutality… yet… the popular media were simply not interested… more ominously the Labor Party… was silent” (2002, p. 9-10). Moreover MacCallum suggests that Shayan’s case revealed how little sympathy there was for boat people in Australia, and

...if Shayan’s case did not evoke popular sympathy, there were virtually no limits to how far the antagonism towards boat people could be pushed. And if the public was ready to endorse xenophobia, barbarism and outright cruelty, what a wedge that would be to use against the Labor party... (2002, p. 10).

The Badraie case was a watershed, providing the Coalition with evidence that “reffo-bashing” was politically successful and could be used to electoral advantage (MacCallum 2002, p. 10). The Coalition had established an effective means of communicating with the electorate via commercial radio, and now it had a clear message it wanted to deliver; boat people were the new “substantive threat to Australia” (MacCallum 2002, 10). The campaign of hostility

264 Hewson’s explanation for Australia’s small refugee intake was that “the system imposes a numerical limit due to the budgetary constraints (about $25,000 per refugee) on the number of people that will be accepted as refugees, or on humanitarian grounds” (2001).

265 Mares notes that after a direction from the Federal Court in 2002 to the Refugee Review Tribunal, the Badraie family were recognised as refugees and granted temporary protection visas to stay in Australia (2002, p. 59).
towards asylum seekers and refugees had reached a new peak, shaped with public discourses of illegality and invasion, new surveillance and search powers to detect incoming boats, a brutal and repressive detention regime, and a shackled judicial and review system. As boats continued to arrive in 2000 the Coalition suspended the Offshore Program to ensure that Australia’s refugee intake did not exceed 12,000 places (Senate Standing Committee on Legal and Constitutional Affairs 2000). Yet as MacCallum (2002) notes, despite the hysteria, Australia’s refugee quota was never filled in the 2000-2001 budget year.

Cathy Wilcox’s cartoon, ‘I’ll show them the meaning of persecution’ was a response to the release by Immigration Minister Phillip Ruddock of proposed legislative changes to the Migration Act designed to “restore the application of the Refugees Convention… to its generally accepted interpretation…” (Ruddock, 2001). Wilcox has drawn Ruddock responding to a Middle Eastern family’s application for asylum with the comment ‘I’ll show them the meaning of persecution’. Ruddock claimed the reforms were needed because the Refugee Convention had “become so widely interpreted that it is in danger of failing the very people that it was designed to protect” (2001).

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266 The Coalition government’s earlier decision was that offshore places be reduced by the same number of successful onshore cases (Senate Standing Committee on Legal and Constitutional Affairs 2000).
267 Sydney based Cathy Wilcox has drawn political cartoons for the Sydney Morning Herald since 1988, and for The Age since 1993. Cathy has also illustrated many children’s books.
Ruddock (2001) argued that in Indonesia, the UN High Commissioner for Refugees was approving 14.6 per cent of Afghani claims and almost 60 per cent of Iraqi claims, whereas in Australia, the approval rate was 84 and 94 per cent respectively. For Ruddock these were “grossly differential outcomes on refugee determination” (2001) which could be addressed by making refugee status more difficult to claim. Central to the reforms, and the subject of Wilcox’s cartoon, was the proposal to provide a test for persecution, as a way to screen, and by implication, reduce, refugee numbers. Noting the difficulty of defining persecution, and rejecting the reforms as “mean-spirited”, the Refugee Council of Australia argued the reforms would "pose a significant threat to refugee protection and could undermine international support for refugees" (cited in Saunders 2001a, p. 2). An editorial in The Age argued that “Australia should not undermine its liberal traditions by making the screening of asylum seekers' claims even tougher than it is now” (Editorial The Age 14 August 2001).

While Wilcox and others pointed to Ruddock’s mean-spiritedness in his treatment of asylum seekers, John Howard sang the Immigration Minister’s praises, claiming he was “doing a magnificent job… in an extraordinarily difficult situation” (2001b). In a pre-election speech to South Australian Liberals, Howard pointed to the “tremendous battle that Philip Ruddock and the Government is having on this very difficult issue of illegal immigration” (2001b). The task, as Howard saw it, was to “balance the humanity of this nation with our absolute right to control who comes here, it's as simple as that and no nation can afford to surrender to that, and we have no intention of doing that” (2001b). But despite both the rhetoric and range of domestic legislation adopted to deter asylum seekers, by mid August 2001, 4,592 asylum seekers had arrived by boat. Speaking in the parliament, Labor member for Corio, Gavin O’Connor highlighted how these numbers represented a significant political problem for the Coalition;

…the Howard government has no real answer to unauthorised boat arrivals and has lost control of this area of policy. In the last 10 years there have been some 12,700 unauthorised arrivals, but I am sad to say that the vast majority of them - over 10,000 - have arrived since the Howard government came to power in March 1996 (2001, p. 30108).

The Howard government had successfully positioned itself as tough on asylum seekers, and with bipartisan support, had stretched its policy imagination to further extend Australia’s refugee policy regime. However the complex arrangement of policy instruments were not working, and public hostility towards asylum seekers was growing with the arrival of each new boat. Like the Howard government itself, the fortress, was looking precarious. Howard
acknowledged in August that his government was “against the odds in a sense, of being re-elected for a third time” (2001b). An election loomed and the Howard government was behind in the polls. Goot suggests that early in 2001 the Coalition was “in terminal trouble” (2002, p. 63). However an unanticipated coincidence of domestic and world events presented John Howard with political opportunities sufficient to turn his electoral fortunes around.

The Road to Election: *Tampa, September 11, Children Overboard and SEIV X*

Geoff Pryor’s cartoon, above has John Howard, dressed as a commando, in the communications room of the *Tampa*, telling its Norwegian captain, Arne Rinnan “I want you to send this signal to the world.” Howard’s message simply says Vote 1 Liberals. Opposition leader Beazley is watching through a side window. Pryor’s cartoon highlights the Howard government’s explicitly political intent in its handling of the *Tampa* incident with a view to improving its polling for the forthcoming federal election. Megalogenis argues that Howard found “the key to victory at the ballot box was to harness issues that divided people: the three R’s of republic, reconciliation, and refugees” (2003, p. 4). Given refugee demonisation and politicisation had featured so prominently throughout the life of the Howard government,
particularly in the new millennium, it was not surprising asylum seekers and refugees became a central plank in the 2001 Coalition Federal election campaign. This was made possible with the arrival of the *Tampa*.

Crock et al suggest that for the Howard government there was a perception that “something had to be done” about asylum seekers arriving in boats, and the pending election “created political conditions in which public anxieties could be manipulated for electoral advantage” (2006, p. 5). Howard explained the problem as “…detention centres… filled to bursting point and there is a very strong and legitimate view in Australia that we have to take firmer measures to prevent an increasing number of illegal arrivals in our country” (cited in Hudson & Mann 2001 p.1).

In the months preceding the 10 November 2001 election a series of seemingly random events, beginning with the arrival of the *Tampa* in August of that year, transformed the electoral fortunes of the flagging Howard government. Rundle says the *Tampa* was “Howard’s Falklands, a godsend” (2001, p. 5). Megalogenis also suggests *Tampa* was, “an act of divine intervention” (2003, p. 170). For Howard, divine intervention doubled in the following month with the September 11 attacks on the World Trade Centre the US. Taking Boin et al’s claim that above all else, “crises are political at heart” (2005, p. ix) it is no surprise that *Tampa* and September 11 provided Howard with an unanticipated, but welcome boost in the polls, so that he announced the 2001 election date in early October (2005, p. ix).²⁶⁸ Howard of course “denied suggestions he would call a snap election on the back of the crisis” (Hudson & Mann 2001, p. 1).

However Howard’s political support did increase after the arrival of the *Tampa*, and again after September 11. Mares observed that “Amidst the fears and uncertainties unleashed by the 11 September terror attacks, the tough line on the "boat people" proved enormously popular with voters” (Mares 2002a). The polls confirmed Howard’s *Tampa*-led recovery and that immigration had become one of the top ten election issues.²⁶⁹ The *Australian’s* Newspoll

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²⁶⁸ A hint of when the election would be held came when Howard deferred the date of the annual Prime Minister’s XI cricket match until December. Nason and Price observed “With the Coalition’s electoral stocks on the rise, he is widely expected to call a federal election at the earliest possible date” (2001, p. 13).

²⁶⁹ The Bulletin’s Morgan Poll report indicated a significant swing for the Howard government, with two-party-preferred support at 60 percent, Howard’s personal approval at 67 percent and the Coalition primary vote at 53
found “the recent influx of asylum-seekers and the *Tampa* crisis lifted public awareness and concern about immigration to record highs” (Henderson 2001, p. 1). Crock et al (2006) argue that the *Tampa* incident “was a crisis manufactured by the government to increase its support in the November election” (2006, p. 5). Highlighting the historical significance of *Tampa* for Howard’s leadership, his biographers concede that “without *Tampa*, Howard’s prime ministership may have been remembered, if at all, as a brief hiatus in an era of Labor dominance” (Errington & Van Onselen 2007, p. ix-x). Megalogenis says the 2001 election became “a refugee election” (2003, p. 170).

The following section examines the arrival of the *Tampa*, the September 11 crisis, the Children Overboard affair and the sinking of the SEIV X, as well as the range of Howard government measures responding to these events. Over this short tumultuous period a new direction for Australia’s 21st century refugee policy engagement was developed which established Australia as a state of exception, linking national security measures with policies to repel asylum seekers. The result is a dark legacy, and the relentless erosion of Australia’s obligations and responsibilities towards asylum seekers arriving in boats.
The Tampa Episode

David Rowe’s illustration above was one of the first cartoon responses to the Indian Ocean rescue of asylum seekers by the Norwegian freighter, the Tampa. The boat in Rowe’s illustration is the Palapa 1, a 20-metre Indonesian fishing boat which was carrying 438 men, women and children fleeing the Taliban. This was the boat from which the Tampa rescued the asylum seekers and which the Australia government had monitored on its way from Indonesia to Christmas Island over a number of days. As part of the Coalition’s border protection measures, air surveillance monitored small vessels and their human cargo sailing through international waters and into Australian territory. Rundle reports that “Prime Minister John Howard was across the issue throughout – pumped with adrenalin, buoyed by the increasingly aggressive tone of talkback callers and tabloid media who had no time for the niceties of international Sea Law or refugee rights” (2001, p. 2). The subject of the cartoon, and Rowe’s criticism of Howard, was Howard’s outright refusal to accept the asylum seekers as Australia’s responsibility. Howard had made this clear with his claim “Those people will never set foot on Australian soil... Never” (cited in Rundle 2001, p. 3).

Rowe has placed the Palapa 1 and its cargo in a domestic sink, with the boat turned upward, and going down the proverbial plughole. Howard has his back turned away from the sinking boat in the cartoon, and is metaphorically wiping his hands of this matter as though the dangerous situation facing passengers and crew was not Australia’s responsibility. In Rowe’s representation, Howard simply saw the Tampa as an issue of domestic sovereignty, and gave no consideration to Australia’s international refugee obligations.

Rowe has judged Howard, finding him guilty of moral failure in firstly ignoring the plight of the Palapa 1 and then of turning the Tampa, and the asylum seekers away. Howard took the view that this was not Australia’s problem; it was Indonesia’s. For him the bigger picture was simple; “Something has to be done to stop that flow of humanity” he told the parliament (2001, p. 30516). Moreover he had a solution; “preventing the egress from Indonesia of so

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270 Apart from three men who were from Pakistan, and six from Sri Lanka, the remaining 329 passengers where from Afghanistan (Marr & Wilkinson 2004, p. 8).
271 Marr and Wilkinson reported that Australian planes had spotted the Palapa 1 “but left them to wallow in the sea” (2004 p. 1). The boat with its “ancient engine, rickety deck and incompetent crew” had survived a storm and was in a precarious situation (Marr & Wilkinson 2004, p. 3).
many of the boat people” (2001, p. 30516). In Howard’s mind it was the pattern of travel which was problematic: “the ease of entry of many people from Middle Eastern and other countries to neighbouring countries of Indonesia and their relative ease of transfer to Indonesia and then through Indonesia onto boats and down to Australia” (2001, p. 30516). The *Palapa 1* had sailed from Indonesia, and was technically in the Indonesian maritime rescue zone (Mares 2002). The Australian Maritime Safety Authority had contacted Indonesian counterparts “to take responsibility for the problem” (Marr & Wilkinson 2004, p. 4) but had “drawn a blank” from Indonesian authorities (Mares 2002, p. 22).

While Howard apparently wiped his hands of the matter, the *Tampa*, as the vessel closest to the *Palapa 1* found itself responsible for 438 asylum seekers and the centre of an international controversy. The Captain, Arne Rinnan received permission from Indonesian authorities to land the asylum seekers at Merak, 250 nautical miles away. But as Rinnan headed towards Indonesia, the asylum seekers pressured him to turn around and head for their original destination, Christmas Island, some 75 nautical miles. After advising the Christmas Island port of his imminent arrival, Rinnan was advised by the Department of Immigration that he “risked prosecution for people-smuggling unless he turned back for Merak” (Mares 2002, p. 122).

While the *Tampa* hovered just out of Australian territorial waters,\(^{272}\) Rinnan advised the Australian government of the urgent need for medical assistance. In addition to health issues, the need for food, and sanitation for 438 unplanned passengers, was also pressing.\(^{273}\) Speaking in the parliament Howard had expressed sympathy for “those souls,” defended Australia’s humanitarian record\(^{274}\) and justified the decision to refuse to land the *Tampa* under international law. His response righteously combined sovereign nation rights and Australia’s national interest;

> Australia has sought on all occasions... to balance against the undoubted right of this country to decide who comes here and in what circumstances, ...We have

\(^{272}\) Beyond the 12-mile zone.

\(^{273}\) Three days after the rescue, Rinnan “defied the instructions of the Australian government and entered the waters around Christmas Island” (Mares 2002 p. 122).

\(^{274}\) Howard explained that “Australia has a record in relation to caring for refugees of which every member of this House should be proud. No nation in the last 50 years has been more generous or more decent in relation to refugees than has Australia. Of all of the debate that has gone on about this issue, nothing I think grieves people on this side of the House more than the allegation that in some way we have been insensitive to people who are seeking to be classified as refugees. But that does not mean that we are abandoning in any way our right to decide who comes here; nor shall we ever abandon our right to refuse to allow people to be landed in this country in circumstances where that would not represent the best so far as Australia’s national interest is concerned” (2001c p. 30234).
taken this decision based on a proper understanding of our rights under international law. It is the right decision to take in Australia's national interest. ...we are not a soft touch and we are not a nation whose sovereign rights in relation to who comes here are going to be trampled on (2001c p. 30234).

The Tampa's arrival was preceded by three other boats carrying approximately 1,000 people, taking the total refugee arrivals for August 2001 to a high of 1,210 people (Mares 2002). Australia's detention centres were already full. Here the importance of numbers and counting loomed large in the political imagination threatening years of Coalition refugee policy making, and assumptions about border security and control. Relations with Indonesia had deteriorated as a consequence of Australia's support for East Timorese independence in 1999, and Errington and Van Onselen (2007) point to the tenfold increase in boats coming to Australia since that time. There was an election looming, although the date had not been set. Errington and Van Onselen suggest that “for a leader seeking to project an image of strength this was a serious problem” (2007, p. 299). Adding Megalogenis' observation that “the punters had little sympathy for the boat people” (2003, p. 178)275 to this potent mix, some sense of the spectacle and political drama which Tampa invoked begins to emerge.

For Howard refusing permission for the Tampa to land was a strategic opportunity, taken while fully cognizant of the Coalition's waning political fortunes. Howard's refusal to accept this group of asylum seekers as Australia's responsibility, while at the same time reiterating Australia's humanitarian record regarding refugees was strategic dog whistling, testing and spreading the claims to sovereignty which would become the Coalition mantra in the forthcoming election. Then International Editor for the Australian newspaper, Paul Kelly (2001d) characterised Howard's handling of the Tampa episode as “...both warrior and therapist. Warrior in his defence of sovereignty and therapist in his reading of Australia's insecurity complex” (2001d, p. 9). Speaking on CNN Howard rejected claims of political manipulation stating "This has got nothing to do with the upcoming election. I wish that this problem were not ours" (cited in Hudson & Mann 2001, p. 1).

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275 Burke cites an AC Neilsen poll which found that 77 per cent of respondents supported Howard's decision to turn away asylum seekers.
The Militarisation of Refugee Policy

Mark Knight’s cartoon was a response to John Howard’s decision to use the heavily armed Special Air Service (SAS) to board the Tampa and direct Rinnan to turn the boat around. This was a surprise development in refugee policy, and an Australian editorial wanted to know how “a country as rich and as vast as Australia would sool its crack troops onto a Norwegian cargo ship that had rescued 400 or so mainly Afghan asylum seekers” (Editorial, The Australian 3 September 2001). Knight has drawn an armed Howard sitting in the bow of an inflatable zodiac, wearing a camouflage jacket. Knight has inflated Howard, giving him beefy arms to look more like an outlaw biker, heading towards the Tampa. An SOS banner hangs from the side of the freighter and is counter posed with Howard’s SAS initials.276

Knight has acknowledged the Tampa’s owners, the Wallenius Wilhelmsen consortium, which Marr and Wilkinson describe as “a consortium of two of the biggest, richest, toughest shipping lines in the business” (2004, p. 21).277 Marr and Wilkinson describe how the arrival of the Tampa saw Christmas Island “transformed into an armed camp” with the arrival of the

276 The Palapa 1 had “an SOS sign on its deck and "Help" written on the roof.” (Gordon, 2001, p. 1)
277 Marr and Wilkinson (2004) note that the Wilhelmsen Line had been carrying Australian wool to Europe since the 1890s. The Line had also rescued Vietnamese refugees in the aftermath of the Vietnam War.
SAS contingent of 120 soldiers, Hercules planes delivering food and medical supplies, ocean-going zodiacs and Iroquois helicopters (2004, p. 107). Moreover Marr and Wilkinson note that anything to do with the Tampa was deemed “operational security” and effectively censored (2004, p. 107).

Knight’s representation of Howard as a commando, heading aggressively towards the Tampa, reflected the new militarisation of refugee policy and Howard’s decision, with Labor support, to use 45 SAS soldiers to take control of the Tampa. The Coalition had reviewed the Australian Defence Force (ADF) in 2000 and in a major policy shift gave the ADF responsibility for illegal immigration. Burke says this shift was at the “insistence of Cabinet and the Prime Minister” (2008, p. 211). For Burke this new responsibility raised “important questions about who was to be secured and against what” (2008, p. 211). John Howard’s military response to the Tampa provided the answer to those questions and heralded a new policy trajectory for both refugee policy and the Australian Defence Forces.

Howard’s advice to the parliament was decisive; “The government was left with no alternative but to instruct the Chief of the Australian Defence Force to arrange for Defence personnel to board and secure the vessel... the ship is now in the control of the SAS” (2001, p. 30516). Howard used the drama and spectacle of the Tampa to dog whistle the nation’s invasion fears and he used this opportunity to deploy his now famous sovereignty narrative in the parliament; “Every nation has the right to effectively control its borders and to decide who comes here and under what circumstances, and Australia has no intention of surrendering or compromising that right” (2001, p. 30516). Howard’s announcement of the SAS boarding and control of the Tampa gave no hint that the SAS had been preparing for some time to intercept boats at sea (Mares (2002). Rather Howard’s rhetoric strategically combined past humanitarianism with current national interest;

We have continued to be a warm, generous recipient of refugees, but we have become increasingly concerned about the increasing flow of people into this country. We have taken this action in furtherance of that view. It remains our very strong determination not to allow this vessel or its occupants, save and excepting humanitarian circumstances clearly demonstrated, to land in Australia, and we will take whatever action is needed - within the law, of course - to prevent that occurring (2001 p. 30516).

Fassin explains how humanitarianism operates to complement deterrence regimes by

…showing the importance for Western societies of opening their democratic space as little as possible, while preserving the possibility, as a last resort of
granting consideration to those who succeed in entering our world, but on the basis of humanitarianism rather than as of a right (2011, p. 253).

Howard was indeed a man on a mission and Knight’s cartoon captures Howard’s aggression and opportunism. Marr and Wilkinson argue that Howard’s decision to use a military operation was deliberate and strategic because it did not engage the Migration Act which would have “compel[led] the government to bring the asylum seekers onshore” (2004 p. 84). Pickering suggests this strategic decision “at the traditional territorial frontier – the border…” was a “crude expression of sovereignty and arguably the most dangerous and demeaning manifestation of the deterrence rationale” (2005, p. 113).

‘World Opinion’
John Spooner, The Age, 31 August 2001

278 Border security was not cheap. Crawford put the cost of the military at $3 million per day which he suggested was more than the annual cost of detaining the Tampa asylum seekers (2001, p. 1).
International Criticism of Australia’s Responses to Tampa

Spooner’s cartoon, ‘World Opinion’ points to international criticism of the Howard government’s Tampa blockade. Spooner has drawn John Howard as a peg-leg pirate, standing precariously on a plank labeled world opinion. Perched on his shoulder is the trusty mouthpiece parrot, Phillip Ruddock. Writing in The Age, Tom Hyland argued that Australia’s response to Tampa was eroding the “40 years of diplomacy aimed at convincing the world that White Australia is dead” (2001, p. 17). Hyland said the “ill considered, inept, harsh and politically opportunistic response” to the Tampa asylum seekers was regarded as Australia “shirking responsibility, as fuelling a contrived crisis” (Hyland 2001, p. 17). Hyland quoted a Reuters report which stated “Australia’s reputation as a stubborn white fortress against the Asian hordes has been reclaimed…” (2001, p. 17).

The editorial in the Australian was also critical of Howard’s “hamfisted” approach to the Tampa, arguing that his legitimacy had been undermined, and the nation’s reputation damaged (Editorial The Australian, 1-2 September 2001). A day later, the Australian editorial thundered

…the Government’s short-term political interests – winning an election as close on the horizon as the Tampa is moored off Christmas island – will not account for the diplomatic costs this will impose upon the nation… A year after the Olympics money can’t buy the bad international publicity this has given Australia (Editorial The Australian, 3 September 2001).

An Age editorial argued that Howard’s “firm stance against entry” would be viewed internationally as “harsh and inhuman” and “basic human decency” was the most important priority (Editorial The Age 29 August 2001). The Australian Financial Review editorial on international media responses to the Australian government treatment of the Tampa, summed up reactions with the observation; “domestic triumph, international disaster” (Editorial Australian Financial Review 3 September 2001). The editorial quoted the comments from a range of newspapers including the Times which stated “resentment bearing on xenophobia reminiscent of the shameful White Australia policy”; the Wall Street Journal said “blackening Australia’s good name”; and the Frankfurter Rundschau which said “shameful and inhuman” to point to a “muddying of Australia’s reputation in the West” (Editorial Australian Financial Review 3 September 2001). Kelly was less critical of Howard, noting his defiance, and supporting his readiness in “taking on world opinion to safeguard our borders” (2001d, p. 1). Despite being regarded as an international pariah, domestic support for the Howard
government was rising. Goot’s explanation pointed to the significance of the border protection policy being “widely and strongly supported” (2002, p. 71).

In Howard’s speech to parliament, informing it of the circumstances of the *Tampa* entering Australian territorial waters, “in defiance” of the Australian government, he pointed to the exceptional circumstances facing Australia and the threat to national borders. It was important for Howard to name and sensationalise the threat to the nation in order that he invoke a sense of the extraordinary. Louise Dodson, *The Age* Chief Political correspondent argued that Howard “inflamed xenophobic fears” and quoted Howard stating “there is no doubt that the integrity of the borders of Australia has been under increasing threat from the rising flood of unauthorised arrivals” (2001). Howard claimed that border security and sovereign rights were threatened by the *Tampa*, by people smugglers, and by asylum seekers.

‘…and stay out of our decent compassionate country’

**The Border Protection Bill I**

Bill Leak’s cartoon, ‘…and stay out of our decent compassionate country’ was a response to the Coalition’s proposed Border Protection Bill. Leak has an angry, jackbooted Howard kicking a Muslim woman and her child from a pier, screaming ‘…and stay out of our decent compassionate country’. Leak’s cartoon captures the paradox of Australian refugee policy; the arbitrary and unrestrained power of the Border Protection Bill to turn away asylum seekers; and longstanding humanitarian claims of Australia being “a warm, generous recipient of refugees” (Howard 2001 p. 30516).

The Bill, which had been drafted in haste by Attorney-General Daryl Williams, was rushed into the parliament by Howard. It sought the power to force the *Tampa*, and any subsequent boats carrying asylum seekers, out to sea. Moreover the Bill sought total exemption from legal scrutiny, challenge and review. Howard’s justification for the Bill linked national interest with border integrity and sovereignty in the exclusion of asylum seekers. He argued;

> It is in the national interest that this vessel not be allowed to remain in Australian territorial waters. It is in our national interest that this vessel be returned to international waters. It is in the national interest that we have the power to prevent beyond any argument people infringing the sovereignty of this country. One of the great enduring responsibilities of a government is to protect the integrity of its borders. There is no doubt that the integrity of the borders of Australia has been under increasing threat from the rising flood of unauthorised arrivals (2001d, p. 30569).

Until this Bill, the opposition had offered bipartisan support for the government’s response to the *Tampa*. However Beazley refused to support the Border Protection Bill arguing that existing legislation was sufficient, and that it was simply “wedge politics” which would give the government the power to;

> …take a boat that is sinking, and in which there are life threatening situations involving the people on board, and order it out. That will be capable of being sustained by this bill - drag the boat out, sink it, people die. It does not matter what you think ought to happen; that is what this bill permits (2001, p. 30570).

The Democrats’ Stott Despoja was opposed to the Bill on two grounds;

The first is that it attempts to grant arbitrary power to turn away vessels from Australian territory. The second is that it purports to prevent any person from applying for refugee status or attempting to access the courts to ensure that they have been dealt with in accordance with due process of law (2001, p. 26978).
Stott Despoja had sought expert legal opinion from Dr Jean Pierre Fonteyne, of the graduate international law program at ANU who declared that the bill “is tantamount to an unrestricted arbitrary power on the part of the Prime Minister to order the departure of any vessel, including vessels exercising the right of innocent passage, on any grounds whatsoever” (cited in Stott Despoja, 2001, p. 26978). Stott Despoja argued that the bill was “a repudiation of international law, a repudiation of domestic law and an absolute reneging on and repudiation of basic humanitarian standards” (2001, p. 26978). She suggested that the bill was “blatantly politically motivated… it should be called the Polls Protection Bill” (2001, p. 26978).

The Border Protection Bill reflected a new mode use of reason (Fassin 2005) emerging in the Australian state regarding the treatment of asylum seekers. Existing patterns of legal and bureaucratic deterrence were not reducing the number of asylum seekers coming to Australia by boat, and the Tampa episode highlighted the Coalition’s inability to control both asylum seeker numbers, and access to Australian territory. The Border Protection Bill promised the executive and its agents unrestrained power to turn away boats.

This was the power Howard wanted but was initially denied; “the power to prevent beyond any argument people infringing the sovereignty of this country” (2001, p. 30570). In a global world, this was extreme border protection, reflecting Agamben’s (2005) state of exception. The Coalition government wanted to use the military to prevent all asylum seekers arriving onshore and in doing so, suspend both the operation of domestic law, and the international Refugee Convention. In terms of Australia’s refugee policy, the Border Protection Bill proposals represented a new and dangerous policy threshold.

279 Marr and Wilkinson report that the UNHCR was “shocked” by the Border Protection Bill, declaring it “incompatible” with the Refugee Convention because it “could have led to the rejection of asylum seekers at the frontier by the forcible removal of ships from Australia’s territorial waters” (2004, p. 140).
Habeas Corpus and the Federal Court decisions

At the same time that the government was unsuccessfully pushing the Border Protection Bill proposals, it also lost a Federal Court case. Bruce Petty’s cartoon ‘…more humanitarian aid from Australia’, published in The Age, was a response to the Federal Court decision preventing the Australian government from moving the Tampa. The court action had been initiated by the Victorian Council for Civil Liberties seeking that the asylum seekers be allowed to land in Australia’s migration zone, be informed of their rights and permitted to make refugee claims (Crock 2006).

Petty has a helicopter hovering over the crowded Tampa deck, enabling it to lower lawyers and their extensive cargo of law books onto the boat. As this is happening the Tampa crew comment ‘…more humanitarian aid from Australia’. Petty’s reference is to the message sent by the Howard government that it would “provide all necessary humanitarian assistance to the MV Tampa” in the days earlier when Tampa’s future was still uncertain (Marr & Wilkinson 2004, p. 79). Petty notes the Howard government’s humanitarianism failures and his cartoon highlights the humanitarian response of the non-state actors who initiated the Federal Court

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280 While the humanitarian aid was never delivered to the Tampa, a further irony was the “the humanitarian assistance workers” nickname given to SAS troops on board the Tampa (Marr & Wilkinson 2004, p. 135).
The paradox of claiming generosity towards and concern for refugees while at the same time implementing repressive policy is part of a trend in the West identified by Fassin (2011) as “humanitarian government” (2011, p. 4). For Fassin humanitarianism, “…is a mode of governing that concerns the victims of poverty, homelessness, unemployment, and exile, as well as of disasters, famines, epidemics, and wars - in short, every situation characterized by precariousness (2011, p. x). An aspect of humanitarian government is “the deployment of moral sentiments in contemporary politics” and it is true that Australian governments have demonstrated considerable humanitarian sentiment regarding refugees, and this has resulted in a long standing policy commitment to refugee resettlement in Australia (Fassin 2011, p. I).

However as I have noted earlier this humanitarianism is not unqualified, but is increasingly given to those deemed ‘in genuine need’ who follow the designated offshore selection protocol. Fassin observes that governments will legitimise their actions by “declaring them to be humanitarian” (2011, p. 3). During the Tampa episode when the Coalition was searching for ways to exclude those asylum seekers, Howard defended Australia’s humanitarian record by claiming “We are up there with the most generous and most welcoming” (cited in Farouque 2001). He justified Australia’s response stating “Australia had to make a stand on the Tampa issue to show it would continue to take refugees according to proper international standards” (cited in Farouque 2001).

In Petty’s cartoon we are alerted to the 2001 Federal Court case as both a vehicle for justice and as a challenge to sovereign rights. At another level Petty’s cartoon points to the enduring tension between the government and the courts in relation to refugee matters. Ruling in favour of the refugees, and echoing Windeyer’s Lo Pak habeas corpus ruling discussed in Chapter Two, Justice North found that the Tampa asylum seekers were being held unlawfully and granted habeas corpus. North ordered that the asylum seekers be brought to Australia for processing. In addition North ruled that “the Executive had no independent surviving prerogative power to detain non-citizens for the purposes of expulsion” (Pickering 2005, p. 153). Pickering argues that the judgment pointed to the deliberate actions of the Howard government as “pre-emptive, provocative and unlawful” which challenged any concept of the

Moreover Pickering observes, importantly, that the ruling located refugee claims upon the state within “broader notions of liberty” with the result that “a discourse of rights is instituted into the judgment” (2005, p. 158). North acknowledged the contentious nature of both his decision and refugee policy with his observation that; “It is not part of the function of the Court to interfere in the policy decisions made by government. But it is part of the function of the Court to determine if the government respondents have acted within the law…” (cited in Pickering 2005, p. 155).

The decision was immediately appealed by the government and subsequently overturned. The new ruling by Justice Beaumont found that while states were obliged to “provide humanitarian assistance to vessels in distress” they were under no obligation to “resettle those rescued” (cited in Pickering 2005, p. 161). Pickering’s summary captures this paradox; “Humanitarianism is countenanced in relation to a ship but dismissed in relation to people onboard the ship” (2005, p. 161). While Justice French endorsed the detention regime “as a detail of enacting sovereignty” (cited in Pickering 2005, p.162) the justices did deliver the Coalition “two backhanders” regarding “whether the exercise of the sovereign power had been made ‘wise and well’” and offered a commendation to those bringing the initial action for their “commitment to the rule of law” (Pickering 2005, p. 162).

There was no surprise that the already antagonistic relations between the judiciary and the Howard government were further inflamed as a result of North’s original decision, and his observation that “Ultimately the consideration which must guide me is the interests of justice” (cited in Pickering 2005, p. 156). Marr and Wilkinson note how Ruddock “became a bitter public critic of the judiciary and advocate of the strange – but in time very familiar – argument that immigration decisions should be beyond the reach of the courts” (2004, p. 41). Ruddock had claimed dramatically that the “courts have reinterpreted and re-written Australian law, ignoring the sovereignty of Parliament and the will of the Australian people” (Marr & Wilkinson 2004, p. 41).

Marr and Wilkinson note that in the eyes of the Howard government “the law was part of the problem, a barrier to effective action. If asylum seekers were to be kept out of Australia they first had to be kept out of the Australian legal system (2004, p. 41). Kelly too supported the
Coalition describing Federal Court “defiance” and “a court beset by judicial overreach and resistant to parliamentary direction” (Kelly 2001b, p. 13). Incredibly Kelly objected to the Court’s “attitude and the zeal with which judges believe they have a self-interpreted duty to protect human rights” (Kelly 2001b, p. 13).

September 11

The Howard government had no intention of retreat in its dealings with the *Tampa* and its campaign to expel asylum seekers. When it was confronted with an obstacle, like Justice North’s Federal Court ruling it promptly appealed. When the Border Protection Bill was initially defeated, the government simply brought forward again a series of bills which defended its own actions in relation to the *Tampa*, and proposed turning back boats and preventing asylum seekers coming to Australia. By mid-September 2001 the Labor opposition gave its support to this new tough regime which it had previously opposed. But by mid-September, less than two weeks after *Tampa* sailed into Australian waters, planes had flown into the World Trade Centre in the US, and terrorism would transform Australia’s refugee
Bruce Petty’s cartoon above was a response to the September 11 attacks on the World Trade Centre towers and the Pentagon, America’s defence headquarters. Megalogenis’ apt observation was that “the twin emblems of US money and military might were attacked” (2001, p. 11). Petty’s image has a soldier bought to his knees by a wound to the head. The American nation ‘brought to its knees’ metaphor was a powerful way to represent the assault and destruction wrought by the terrorist attacks on this superpower, which closed Wall Street, shut down all domestic airlines and saw a state of emergency declared in Washington D.C. The lumbering soldier crumpled to the ground captures the shock of “the imperial power injured at home for the first time” (Said 2001, p. 19). Petty’s solider is adorned with a mix of quintessentially and recognisably American symbols: Christian cross, dollar sign, McDonald’s arches and Hollywood emblem. The solider, and by implication, America’s war record is evident with badges from the first and second world wars, and an LBJ badge, indicating the Vietnam War. A NATO weapon lies discarded next to the wounded solider, who Petty has placed in the centre of a circle, some distance from the many people watching and waiting for America to respond.

The cartoon has an air of sorrow, and acknowledges the tragedy which has befallen so many, but it is also mindful of America’s power and alliances. Petty wants us to see the damage done to this great nation, as well as to remind us of the damage America’s constant warmongering has done to other nations. The cartoon avoids the screaming ‘War on America’ headlines from The Age or the Australian’s ‘War of Terror’ coverage of September 11, and instead offers a simple reflection on the event. For Petty the aggressor had been felled.

Not so the many other commentators who were quick to defend America, democracy and ‘the West’ with patriotism, shock and outrage at the carnage, and vilify the perpetrators. Speaking a week after September 11 Palestinian academic Edward Said’s observed “Most commentary has stressed, indeed magnified, the expected and predictable in what most

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281 In a curious twist of fate former US president Clinton was in Australia promoting open borders (Baker 2001) when the planes struck, while John Howard was in Washington attending a 50 year celebration of the ANZUS Treaty.
282 A fourth plane bound for Washington D.C. crashed in a field in Pennsylvania.
283 As well “flights across the Atlantic were cancelled, train travel on the US eastern seaboard was suspended, and the US closed its border with Mexico and some border crossings into Canada” (Romei et al, 2001, p. 1)
Americans feel: terrible loss, anger, outrage, a sense of violated vulnerability, a desire for vengeance and unrestrained retribution” (2001, p.19). The responses on most fronts were predictable with US President George Bush vowing to "hunt down" the perpetrators of the "evil, despicable acts" in what rapidly became known as a "war on terrorism" (cited in Riley & Alcorn 2001, p. 1). Congress agreed to provide $80 billion to support this new war, and Davidson says that Australian support for Bush, and our history of following allies into war, meant “Australia … effectively countersigned the Congressional blank cheque” (2001, p. 12). Australian troops subsequently followed the US into Afghanistan, and then Iraq.

A long Age editorial noted the importance of America seeking justice from the terrorists. But it also urged that “The US must remain an open and tolerant society” (Editorial The Age, 13 September 2001, p. 22). Despite the urging, in the aftermath of September 11 new regimes of security emerged in ‘the West’ and tolerance has been diminished in both Australia and America. Where mistrust, suspicion and hostility had previously characterised the Australia state’s engagement with asylum seekers and refugees, following September 11 “a national security panic over refugees and terrorists” emerged (Grewcock, 2009, 152).

‘Xenophobia’
John Spooner, The Age, 20 September 2001

Terrorism, Asylum Seekers and A State of Exception
Spooner’s cartoon above was a comment on the racial vilification which emerged in Australia, and elsewhere, following the September 11 attacks. Spooner has drawn a plane labeled xenophobia flying into one of World Trade Centre towers, suggesting that along with the chaos, destruction and carnage of the attack, was the increase in intolerance and hostility directed towards of people of Middle Eastern appearance and Islamic faith. Warning that “already existing prejudices have now been vastly exacerbated by last week’s terror attacks on America,” an Age editorial argued “attacks on Muslims are intolerable” (Editorial The Age 20 September 2001). Said pointedly argued that “demonization of the other is not a sufficient basis for any decent kind of politics” and he urged that neither “Islam” nor “the West” should be “followed blindly” (Said 2001, p. 18).

Brown, who sees tolerance as a political value, argued that after September 11, tolerance was reframed by “political rhetorics of Islam, nationalism, fundamentalism, culture and civilization” (2006, p. 6). The effect, she says, was to create a division between the West on one side as “the free, the tolerant, and the civilized” and on the other side “the “fundamentalist, the intolerant, and the barbaric” (Brown 2006, p. 6). Tolerance thus “designates certain beliefs and practices as civilized and others as barbaric” (Brown 2006, p. 7). In this climate, McNevin says the “religion and nationalities of asylum seekers arriving by boat became significant” (2011, p. 78). Asylum seekers from Iraq, Afghanistan and Iran, the majority of whom were Muslims, were fleeing persecution. However McNevin observes, the fact that Australia would join the US in fighting a ‘war on terror’ against these countries did not provide the sanctions for asylum seekers as it had during the Cold War. As Spooner’s cartoon indicates, a new xenophobia was launched with September 11 and Muslims from the Middle East became the target of the west’s ‘tolerance’.

The convergence of asylum seekers and refugees with terrorism was led initially in Australia by radio shock-jock Allan Jones who pointedly asked on 12 September ”How many of these Afghan boat people are ‘sleepers’?” (cited in Mares 2002a). Defence Minister Peter Reith quickly followed with his claim that boat people could be a "pipeline for terrorists to come in and use your country as a staging post for terrorist activities" (Mares 2002a). By linking boat people with terrorism in this way, Reith was able to promote the deployment of the military in repelling asylum seekers, and claim this was necessary for national security.
Howard too linked the “possibility” of “organisations that we don’t want in this country… us[ing] the path of an asylum seeker to get here” (cited in McNevin 2006, p. 78). Speaking on ABC radio regarding the relationship between refugees and terrorists, Prime Minister Howard claimed “Every country has a redoubled obligation, in the light of what has happened, to scrutinise very carefully who is coming into this country” (cited in Editorial, The Age 20 September 2001). So rather than defuse the fear mongering, Howard used it to dog whistle. Countering this, The Age argued it was simply “illogical to assume that highly organised terrorists would choose to enter Australia by means of a leaky boat, but logic is a rare commodity in those who abuse others on the basis of their race or religion” (Editorial, The Age 20 September 2001).

Australia was not alone in linking asylum seekers with terrorism. Givens et al (2008) in their analysis of the impact of September 11 on immigration policy across the US, Britain, Europe, Canada, New Zealand and Australia, argue that “immigration has everywhere become a higher priority item on the public agenda and everywhere it has come to be linked to the possibilities of terrorist attacks” (2008, p. 9). However as Jupp’s research found, Commonwealth countries including Australia, “took advantage of the crisis mentality terrorism unleashed to legislate for radical changes that would have been less acceptable in calmer situations” (2008, p. 204). These included Jupp says,

…restrictions on the rights of Muslim communities… further restrictions on the rights of asylum seekers… a reversion from multiculturalism… greatly expanded roles and budgets for security organisations, increased penalties for previously legal activities… tighter border controls, attempts to define national values… (2008, p. 204).

A new paradigm of security emerged after September 11 in many liberal democracies including Australia, which reflect Agamben’s theory of “a state of exception” (2005, p. 2). For Agamben the state of exception does not refer to “the chaos that precedes order but rather the situation that results from its suspension” (1998, p. 19). Agamben argues that “the state of exception is not a special kind of law (like the law of war); rather, insofar as it is a suspension of the juridical order itself, it defines law’s threshold or limit concept” (2005, p. 4). What Agamben describes is “not a ‘state of law’ but a ‘space without law’, a ‘zone of anomie’” (Humphreys 2006 p. 677).
In Australia the national security policy regime created by the Howard government in response to “fantastic claims of security imperatives” after September 11, can be understood as a ‘state of exception’ (Humphreys 2006 p. 684). This has involved the introduction of exceptional political and legal measures, including expanded executive power, the suspension of the rule of law, arbitrary detention and the use of control orders. The effect is that national security claims trump not just human rights, but changes established parliamentary and legal processes as well. The Australian state, in attempting to protect its citizens, undermined the very traditions and mechanisms which protect citizens from sovereign power.

Asylum seekers, as non-citizens, were especially vulnerable against this new juggernaut. McNevin argues that Agamben sees “the figure of the refugee as the exemplary subject of contemporary sovereign power” (2011, p. 95). In Australia the already hostile asylum seeker and refugee policy regime, which developed over the preceding decade, was now incorporated into this state of exception. This was possible because of both the convergence of asylum seekers and refugees with terrorism, and because the majority of those seeking asylum were Muslim. Hage observes “September 11 sealed the position of the Muslim as the unquestionable other” (2003, p. 67). Maley says the Howard government “outshone all its predecessors in the demonisation of refugees” (2004). Before September 11 asylum seekers were forum shoppers, illegals and criminals. After September 11 asylum seekers were represented as terrorists and Muslims, part of a campaign of fear which would justify pushing through exceptional measures to secure Australian borders, dismiss international refugee obligations and repel those at the border.
The Search for a Pacific Solution

Bruce Petty’s cartoon above, published in *The Age*, was a response the Howard government’s attempts to find countries willing to take the *Tampa* asylum seekers. Petty’s cartoon has Immigration Minister Ruddock, Defence Minister Reith and Minister for Foreign Affairs, Alexander Downer in the bridge of the HMAS *Manoora* negotiating resettlement locations. Ruddock is on the phone announcing “If they keep coming Togo will take 3 for 6 law degrees and a drum of premium unlead”, Downer quips, “Beat them down to regular,” and Reith records the tally of asylum seeker placements. Petty’s cartoon demonstrates both how desperate the Howard government was to find solutions, and the unscrupulous deal-making involved in the process of negotiating these arrangements.

At the outset of the *Tampa* crisis senior bureaucrats had formed a People Smuggling Taskforce whose purpose was to find countries willing to take the asylum seekers. Indonesia would not be drawn on the matter. UN Secretary General Kofi Annan rejected East Timor

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284 The *Tampa* asylum seekers were deceived into boarding the HMAS *Manoora*, assuming they would be taken to Australia for processing. However the HMAS *Manoora* was bound for Port Moresby, and from there asylum seekers were flown to either New Zealand or Nauru.
due to the capacity of the new state to manage after the trauma of its independence struggle, and because in the UN’s view, the asylum seekers were being “handed over not to an independent state but to the United Nations.” 285 (Marr & Wilkinson 2004, p. 137). Negotiations with Nauru, Papua New Guinea and New Zealand produced more favourable outcomes for the government. Agamben’s “ambiguous zone” was being realized (2005, p. 2).

New Zealand’s Prime Minister Helen Clarke agreed to accept 150 women, children and families for processing and resettlement, and requested that Australia pay for the cost of flights to New Zealand (Marr & Wilkinson 2004). 286 As Petty’s cartoon indicates, the deal with Nauru, which Summers described as “a duplicitous and cynical exercise” was much more costly for Australia (2001, p. 10). 287 Marr and Wilkinson say the trade was “drinking water for asylum seekers” (2004, p. 143). This was a “desperate” arrangement with the world’s smallest republic, which was bankrupt and had been depleted, and “rendered mostly uninhabitable by decades of phosphate mining” (Mares 2002, p. 125).

The Nauru deal produced immediate results for Howard. An Editorial in the Herald Sun praised his leadership, noted its own poll support for him, and concluded that popular opinion was opposed to asylum seekers;

…there was no simple response to the humanitarian crisis. It is in such difficult times that strong leadership is called for. Decisions which are made quickly and with conviction represent the hallmark of strong leadership. It is therefore telling that the Herald Sun -Quadrant poll identified greatest support for Prime Minister John Howard’s leadership on the issue. Sure, the solution found by Mr Howard was one driven by a combination of firm action, politics and populism. But what the Australian populace is saying, loudly and clearly, is that illegal arrivals are not welcome (Editorial Herald Sun 2001, p.18).

In contrast The Age Editorial argued that the Nauru deal “is neither an honourable nor a long-term solution to the problem Australia, along with much of the rest of the world, has with uninvited asylum seekers” (Editorial The Age 3 September 2001). Summers noted that the Nauru agreement was a good outcome for Howard if not the nation; “He gets somewhere to send the boat people that is not, technically, Australian territory. It costs us plenty, in money and reputation, but he has not allowed our shores to be breached” (2001).

285 The UN maintained a peacekeeping force in East Timor over the period 1999-2005.
286 Mares says New Zealand accepted 132 asylum seekers, comprised of families and unaccompanied teenage boys (2002, p. 125).
287 Marr and Wilkinson put the price at $16.5 million including $10 million for fuel to keep Nauru’s power and desalination plant operating (2004 p. 143).
The Pacific Solution, as it became known, added a new dimension to Australia’s refugee policy regime; the “offshore processing centre” (Taylor 2005, p. 10). Under this regime, “asylum seekers on board unauthorised - or irregular maritime arrival (IMA) - vessels were intercepted (usually by the Australian navy) and transferred to offshore processing centres on Nauru and Manus Island” (Phillips, 2012). Both Nauru and Papua New Guinea were dependent upon Australia for foreign aid, however the establishment of detention centres transformed Australia’s foreign aid priorities in what Foreign Minister Alexander Downer glibly called “a coincidence of national interests” (cited in Mares 2002).

Accompanying the Nauru deal, an extraordinary provision had been made to declare offshore Australian territories “not Australia for immigration purposes” (Crock et al 2005, p. 117). Crock et al suggest “the removal of certain territory from Australia’s ‘migration zone’ was a novel move by any standards” and under the Migration Act “any islands off the mainland of Australia” can be deemed “exercised offshore places” (2005, p. 117).

Pickering considered the Pacific Solution “the creation of an extra-territorial frontier” (2005, p. 113) whose purpose was to “prevent asylum seekers from reaching the Australian mainland or from engaging Australia’s protection obligations” (Pickering 2005, p. 114). The Nauru and Manus Island detention centres were part of a regime now designed to prevent asylum seekers who arrived in boats from applying for refugee protection in Australia. McAdam and Chong (2014) point out that many of the asylum seekers processed in Nauru and Manus Island were found to be refugees and were subsequently settled in Australia.

Taylor challenges Howard government claims regarding the Pacific Solution as “a regional approach to dealing with people smugglers and asylum seekers through cooperation and

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288 Mares notes that it was Howard who invented the Pacific Solution as a “dignified title... suggesting a degree of foresight and planning that did not accord with reality” (2002, p. 127).
289 Taylor notes that the agreement with Nauru entailed the acceptance of 283 of the Tampa asylum seekers, and a further 237 other asylum seekers intercepted by the Australian Navy. Papua New Guinea agreed to accept 225 asylum seekers. By years end, the deal had grown to Nauru taking 1,200 asylum seekers (2002 p. 7-8).
290 McAdam and Chong (2014) note that almost 5,000 islands and ports, including Christmas, Ashmore, Cartier and the Cocos (Keeling) Islands have been excised from Australian territory.
291 Nauru was not a signatory to the Refugee Convention and Papua New Guinea had signed but had a reservation against the requirement that refugees not be “penalised for crossing borders unauthorised by the receiving state” (Pickering 2005, p. 115).
292 Taylor found that “Initially 767 of the persons taken to Nauru and Papua New Guinea pursuant to the Pacific Solution were recognised as refugees” (2005, p. 8).
burden-sharing” and points to the lack of consultation within the region, and the failure to engage with the regions’ asylum seekers (2005, p. 31). Taylor’s argument is insightful; firstly the Pacific Solution “deals only with asylum seekers who happen to be heading for Australia”; and secondly that the Pacific Solution was “burden-shifting”, not “burden-sharing” (2005, p. 32). Effectively the Pacific Solution was, Taylor says “an attempt by Australia to use its economic power to dump its problem on its extremely poor, politically unstable and socially vulnerable neighbours” (2005 p. 32).

Malcolm Fraser described the Pacific Solution as “buying space in poor countries” (cited in Gordon 2001). It was effectively a colonial solution, evident in the Australian government’s power over the governments of Nauru and Papua New Guinea, exploiting the territory of those countries to contain asylum seekers in Agamben’s (1998) ‘ambiguous zone’ of the processing centres. The approach echoes Australia’s past, in warehousing British convicts. The Pacific Solution was a precariously legal and morally dubious arrangement, negotiated with countries dependent on Australian foreign aid largess, and was possible because of the ready availability of public finance. The basis of this colonial treaty was simply cash for camps. Camps in Australia and elsewhere “Baxter, Nauru, Guantanamo Bay…” developed by advanced liberal democracies and “…all equal places of exception – spaces and regimes of exception… open season on the world’s undesirables” (Agier in Fassin 2011, p. 152). Future Coalition and Labor governments would extend this exceptionalism, in their quest for ‘solutions’ in Malaysia, Cambodia and again in PNG.
A State of Exception: Migration Legislation and the Border Protection Bill

Geoff Pryor’s cartoon above was a response to the passage of seven pieces of legislation in the last sitting week before the November election with bipartisan support from the Beazley led opposition. Pryor has Kim Beazley seated, with a copy of the Border Protection Bill, talking on the phone saying he “must dash... got a vote in the House in favour of some bill... something to do with mandatory sentencing”. This scene would appear normal were it not for the bullring and ‘poll’ rope Pryor has drawn attached to Beazley’s nose. The force on the rope is pulling Beazley out of his chair, indicating the political pressure forcing him to align with the Howard government on the border protection legislation. Political journalists had described Beazley’s political fortunes as “on the ropes” given his approval rating had plummeted (Dodson 2001, p. 6). Moreover Dodson noted that “voters were turned off by Labor’s opposition to the controversial border protection legislation” (Dodson 2001, p. 6).


294 According to an AC Nielsen AgePoll Beazley had “a record low of 42 per cent, 23 points behind John Howard” (Dodson 2001, p. 6).
Beazley had objected to the first iteration of the bill due to its extreme provisions and Kelly argued Beazley's support for the legislation “on election eve” was designed to ensure “that boatpeople won't be a key policy issue between the parties” (2001e, p. 26). Describing the “transformed and toughened” asylum seeker and refugee policy, Kelly outlined the magnitude of the changes:

The scale of the transformation is vast. The border protection bill retrospectively guarantees the legality of the Government's handling of the Tampa and Aceng. It empowers the Government to eject, where necessary, unauthorised boatpeople who cross our borders. Reasonable force may be used (Kelly 2001e p. 29).

Bhuta argued that the Howard government had taken advantage of the “the climate created by the Tampa standoff” and “pushed through legislation affecting not only border control, but also judicial review, and the definition of 'persecution'…The result is a repudiation of the Refugees' Convention in all but name” (2001, p. 49).

The provisions of the Border Protection (Validation and Enforcement Powers) Bill could only be justified by a degree of exceptionality. Rundle, with others, described the Bill as “draconian in the powers it gave the executive with regard to people entering territorial waters” (2001, p. 30). More importantly, Rundle highlights the impact of the Howard government's political action and draws out the thinking underlying the state of exception policy turn. It was, he says,

...a legislative mess… a profound perversion of the separation of powers, a use of the legislative arm of the state as a rubber stamp to legitimise whatever action the executive had taken… The Border Protection Bill was the expression of a profoundly cynical view of government and power, an illiberal vision of what the state could do to its own people, and to the institutions its party purported to respect (2001, p. 30-31).

Taylor says, this was “policy making on the run” (2005, p. 5). Kelly too noted that the Howard government was “improvising solutions as they went” (Kelly 2001e p. 29). Greens Senator Bob Brown criticised the exceptionalism he was witnessing; “The alarm bells are

295 In the first week of September the Aceng, a small boat carrying 228 Iraqis, many of whom were children, was found heading towards Ashmore Reef. The HMAS Warramunga subsequently turned the boat back out to sea. Another navy vessel, HMAS Newcastle also turned the boat back. Despite these turn backs, the Aceng kept sailing towards Ashmore Reef. The HMAS Warramunga returned and transferred the asylum seekers to the HMAS Manoora (Marr & Wilkinson 2003, p.183 – 185).

296 Kelly noted that the “The bill provides for mandatory sentencing for convicted people smugglers of five years' jail for first offenders and eight years for repeat offenders” (Kelly 2001e p. 29).
sounding not just for the asylum seekers but for proper democratic process” (2001, p. 27935). It was not just the process to which Brown objected. He also saw dangers with the policy content, particularly the removal of asylum seekers’ legal rights, and stated, “Ultimately, we are enforcing One Nation policy on asylum seekers” (Brown 2001, p. 27935). Democrats senator Andrew Bartlett similarly argued that the legislation was “extreme”, because it gave “absolute” and “dangerous powers” to remove asylum seekers to “any place” (2001, p 27936).

The state of exception was fully realised in Australian asylum seeker and refugee policy when the *Tampa* affair was tied to the September 11 terrorist attacks. Frankenberg suggests that the state of exception is both the “dark side and nemesis” of the rule of law (2014, p. 4). The Border Protection and Migration legislation ushered in darkness for asylum seekers coming to Australia, and the Howard government had invented a new nemesis; the Pacific Solution.

The Australian border was now “a line in the sea” (Perera 2002, p. 23). With Operation Relex the military were engaged in turning boats back and surveillance, islands were excised, refugee rights were breached, asylum seekers were detained indefinitely, and censorship and secrecy were regarded as legitimate features of policy. The confirmation, if any were needed, of a state of exception in relation to Australia’s refugee policy regime, came with the new executive power “to act outside of any legislative (or parliamentary) authority” (Crock et al 2006, p. 116)

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297 Crock et al note that despite the “extreme measures” and “unprecedented” nature of the legislation, and the “popular pressure generated by the terrorist attacks,” it was only the Democrats, Greens and Brian Harridine who opposed the package of Bills (2006, p. 116).

298 Mares says that in the event asylum boats entered Australian territory the navy had orders to “repair and resupply asylum boats and tow them back out to sea… if this failed the asylum seekers… were to be taken… to an offshore detention-centre” (2002, p. 126).

299 Mares notes that the “shield of steel” deployed off the north west coast involved five naval vessels and four PC3 under the provisions of Operation Relex aircraft at an estimated cost of $20 million per week (2002, p. 126).
Imagining Children Overboard

For a brief period defence forces did keep the boats away. But tragedy, death and corruption loomed. Ron Tandberg’s pocket cartoon ‘Don’t they realise its friendly fire?’ was a response to the so-called ‘Children Overboard’ incident in which Phillip Ruddock claimed that asylum seekers on their way to Australia had thrown their children overboard ‘“in a clearly planned and premeditated” attempt to force they way into Australia’ (cited in Mares 2002, p. 135). The cartoon has a navy captain, probably Commander Norman Banks, and an immigration official standing on the bow of the navy frigate HMAS Adelaide as shots are fired at the Olong, a 25 metre wooden hulled Indonesian fishing boat carrying asylum seekers. The official observes wryly ‘Don’t they realise its friendly fire?’ as asylum seekers from the Olong jump into the ocean.

In the first week of October Banks ordered the Olong, carrying more than two hundred men, women and children to return to Indonesia. When the boat did not do so, Adelaide fired

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300 Mares says that in the weeks following the Tampa, the new regime of “saturation surveillance” did prevent asylum seeker boats from landing (2002 p. 126).
301 Like the Tampa before it, Australian intelligence had monitored the Olong’s journey, then identified as Suspected Illegal Entry Vessel (SIEV) 4, and Banks had been instructed to avoid a rescue “at all costs” and “stop the SIEV from reaching Christmas Island” (Marr & Wilkinson 2004, p. 241- 242). There was an early suggestion, Marr and Wilkinson note, that the asylum seekers “might be planning to sink their own boat in a desperate attempt to force the Australian navy to rescue them and bring them to Australian territory” (2004, p. 241).
shots over the Olong’s bow and into the water around the boat. Armed navy officers then boarded the Olong and turned it back towards Indonesia. In the ensuring panic and chaos, asylum seekers jumped into the water. One man attempted, unsuccessfully, to throw his daughter into the water. Marr and Wilkinson report that Banks advised his superiors of this “difficult and dangerous naval action” (2004, p. 245). In turn they, and senior bureaucrats in Canberra, too readily assumed that asylum seekers had thrown their children overboard. This was believed of asylum seekers because it had been expected of them. In the political and public imagination asylum seekers were the terrible ‘other’ and thus capable of doing terrible things.

Phillip Ruddock immediately claimed children had been thrown overboard saying “I regard these as some of the most disturbing practices I’ve come across in public life” (cited in Marr & Wilkinson 2004, p. 247). The story made instant headlines. However after the Olong had been moved out of the contiguous zone, and directed towards Indonesia, the Olong began to sink. The ocean rescue by crew of the Adelaide, which saw men, women and children in the water, were the images which Reith released as ‘proof’ that children had been thrown overboard (Mares 2002, p. 139). Despite the navy immediately denying these claims, the spectacle and the government had run away with the story. Manne says “media interest was intense” (2002).

The Children Overboard Affair raised a number of issues regarding the Howard government’s asylum seeker and refugee policy, its lack of accountability and its demonisation of asylum seekers. The first was evident in Tandberg’s cartoon which pointed to another new development in Australia’s attempts to repel asylum seekers: firing on boats. Operation Relex was using the tactics which South East Asian countries, particularly Thailand and Malaysia, had used to deter Indo-Chinese refugees in the 1970s. With Tandberg, an Age editorial highlighted this policy shift with its question; “Who would ever have expected a time when Australian forces would be firing shots over the heads of asylum seekers, including women and children?” (Editorial The Age 12 October 2001).

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302 Four shots were fired across the bow, and “heavy guns pounded another 23 rounds into the water” (Marr & Wilkinson 2004, p. 243).

303 A “most unusual” Senate Inquiry (Cook in Senate Select Committee on a Certain Maritime Incident 2002, p. xiii) later established that the story was indeed false.

304 As discussed in Chapter Four, South East Asian countries used a range of methods to deter and expel refugees including naval blockades, open fire and turning boats around. Unlike Australia, the South East Asian nations had no commitment to the Refugee Convention.
The second was raised by the Chair of the Senate Inquiry into the Children Overboard Affair, Peter Cook who was critical of the Howard government’s lack of accountability. He said “the Executive was able to exercise its power to prevent full parliamentary scrutiny of itself. This is not open government” (Cook in Senate Select Committee on a Certain Maritime Incident 2002, p. xiii- xviii). The government had refused to allow full scrutiny of Cabinet decisions, Reith refused to participate in the Inquiry and it had used the shroud of ‘operational secrecy’ to politically manipulate the Children Overboard story. Dobell argues the government sought to “control information for maximum political effect” (2002, p. 40). Moreover Reith had ordered the Australian Defence Forces (ADF) “not to take any photographs of boat people that might ‘humanise’ or ‘personalise’ asylum-seekers” (Dobell 2002, p. 41). Dobell’s assessment is damning as he argues that the ADF “surrendered its proper role” allowing “disinformation… for political propaganda… Trust was breached. The public’s right to know suffered. And perhaps the greatest damage, ultimately, was done to the standing of the ADF” (2002, p. 42).

The final point regarding the Children Overboard episode was the “blatant exercise in this kind of demonisation” (McNevin 2011, p. 80). John Howard had claimed on radio “I don’t want, in Australia, people who would throw their children into the sea… I don’t think any Australian does… I don’t think it’s a measure of… desperation… it’s a determined attempt to intimidate us” (cited in McNevin 2001, p. 80). Arnold Zable argued this was “dividing the nation, speaking in terms of ‘we’ and ‘them’” (2001). An Age editorial (Editorial The Age 12 October 2001) also pointed to the Howard government’s demonisation of asylum seekers stating “…the shabby truth is that, in order to justify its hardline stance against illegal immigration, the government has long sought to portray as undesirable all people who arrive uninvited on our shores seeking refugee status” (Editorial The Age 12 October 2001).

Pickering argues that despite the evidence of “state duplicity and misinformation… the default state of refugee as deviant remained undisturbed” (2005, p. 77). Here the paradoxical role of photographs in the Children Overboard episode emerges with Phillips’ observation that; …the photograph was the space in which the issue of asylum seekers was presented to the often oblivious Australian public; it is the space in which the social figure of the asylum seeker is presented to us as the Other towards whom we are either to be hospitable or guarded, if not literally repellent (2006, p. 83).

Here was new deviance, and further justification for the “powerful vortex of unlawfulness” (Phillips 2006, p. 82) of Australia’s refugee policy regime. Moreover Hage says
Muslims are portrayed like the Asians as fundamentally different in their political and cultural aspirations and their lifestyles. But what gives the Muslim other an edge over the Asian is that the latter is also portrayed as actively hostile to Western civilisation (2002 p. 435).

Terrorism had already added a new frame to the vilification of Muslim people, “…as the unquestionable aggressive enemy other…” (Hage 2002, p. 435). But as Babacan and Babacan note, Muslims also challenged Coalition rhetoric around a “unique and homogenous national identity” (2012, p. 149). The Howard government wanted to provoke moral outrage and racial antagonism and framing asylum seekers and refugees as enemy consolidated and justified this hostility and outrage. Australian hearts were closed to the plight of asylum seekers and refugees even in the face of new tragedy and many deaths.

'Sure - I can get you on a boat'
Warren Brown Herald Sun, 7 November 2001
SIEV X

Warren Brown’s cartoon, ‘Sure I can get you on a boat’ was published in the Herald Sun in the aftermath of the SIEV X sinking in which 353 asylum seekers drowned. The SIEV X, a 19-metre Indonesian fishing boat overloaded with an estimated 398 men, women and children was bound for Christmas Island when it capsized in international waters. Brown’s cartoon has Sondos Ismail a survivor of the tragedy, holding her three daughters, Imman, Zahraa and Fatima, who all drowned when the boat sank. In Brown’s cartoon, Sondos is meeting with a people smuggler, represented as the Devil, and he is negotiating a contract with her for the boat journey to Australia. He confidently assures her ‘Sure I can get you on a boat’. Brown’s highly judgmental cartoon suggests that Sondos was responsible for the drowning of her daughters because she engaged with people smugglers to obtain their passage on the SIEV X. Brown’s cartoon echoes the views of Phillip Ruddock, who after the 353 people had drowned claimed “people have to take some responsibility for their own safety if they board illegal vessels” (Saunders 2001b, p. 22).

Ruddock’s judgment of the drowned asylum seekers was that they had “met their fate because they were breaking the law” (cited in Editorial The Australian 31 October 2001). He further asserted that the majority “…were people who’d not put to the UNHCR in Indonesia claims for refugee protection and were, I suspect, people… looking for family reunion outcomes” (cited in Clennell & Grattan, 2001, p. 4). Beazley laid the blame for the SIEV drownings on the Howard government’s failure to negotiate with Indonesia to prevent boats leaving (cited in Saunders 2001b, p. 22).

Marr and Wilkinson described the sinking as “a maritime catastrophe” (2004, p. 312), while the Australian declared that it was “the worst boat people tragedy ever to occur in our region” (Editorial Australian, 2001, p. 16). Mares’ question was pertinent; “how was it that this vessel… apparently escaped the intense surveillance network put in place by the Australian defence force… in the wake of the Tampa”?

The stories of the three drowned girls, and their parents revealed all of the brutality of Australia’s refugee policy regime. Mares (2002) recounts how the girls’ father, Ahmed

  305 Photos of the girls had been front page news.
  306 Mares (2002) says independent research established that the boat sank in international waters in the Operation Relex surveillance area.
Alzalimi had come by boat to Australia two years earlier and been granted a Temporary Protection Visa. However the provisions of the visa prevented him bringing his family to Australia and so Sondos paid people smugglers for the passage to bring herself and her daughters to Australia. Ahmed was only alerted to his daughter’s deaths and his wife’s subsequent return to Indonesia through newspaper photos of the incidents. Ahmed subsequently applied to Minister Ruddock to join his wife but was denied as Temporary Protection Visa holders could not leave Australia. Mares says “Ruddock was unmoved by calls to grant him an exception in these exceptional circumstances” (2002, p. 202). The other survivors were also denied any special consideration regarding resettlement in Australia on the grounds that “hundreds if not thousands of asylum seekers would decide to risk their lives on unseaworthy vessels” (Mares 2002, p. 202).

The Howard government subsequently won the 2001 election, and for eighteen months boats did not come.

**Conclusion**

In the century from 1901 to 2001 the Australian state engaged in two very public acts of racial exclusion. The first was the 1901 Immigration Restriction Act which gave the new Commonwealth the power to restrict non-European migration and to remove prohibited immigrants. The second was the 2001 Howard government refusal to allow the MV *Tampa*, a Norwegian freighter, to land with its cargo of rescued asylum seekers. Both represented efforts by the nation state to exclude particular groups of people considered undesirable, and in doing so, shape the nation’s sense of national identity and sovereignty. The political debates of each have striking similarities in their righteous quest for exclusion in the best interests of the nation.

Political cartoonists captured these century bookend moments with very different, but no less political responses. White Australia is drawn with the uncritical dogma of racist propaganda, and *Tampa* with pro-asylum seeker humanitarianism opposed to the Coalition’s political populism and rejection of refugees. Manning and Phiddian (2002) found in their research into political cartoons from the 2001 election campaign, that all political cartoonists “took a moral stand” on the asylum seeker issue which “…flew in the face of public opinion…” (2002, p. 45). The cartoonists were “…appalled, particularly by the Government for what they saw as its
callous opportunism” (2002, p. 42), and “they tried to get Australians to recognise the morally decent view on asylum seekers” (2002, p. 58).

While the selection of cartoons used in this thesis was not fully representative of those available (having only been drawn from the Sydney, Melbourne and Canberra press), the “intense seeing” (Tufte 2007 p. 9) of the political cartoons reveal the underlying tensions and patterns in Australia’s engagement with and treatment of refugees. In the early cartoons from the 1880s of Chinese and Japanese migrants, through until the 20th century cartoons of Jews and Displaced Persons fleeing Europe pre- and post-World War Two, the racism of White Australia is particularly evident. The cartoons of Indo-Chinese refugees fleeing Vietnam, Laos and Cambodia, Chinese nationals post-Tiananmen Square, the Kosovars fleeing the Balkans and the people of Iraq, Afghanistan and Iran fleeing their homelands reveal the tension between post war humanitarianism and Australia’s enduring racism. With the arrival of the Tampa and the September 11 incident, political cartoonists captured the new state exceptionalism which developed as the dominant mode of reason shaping refugee policy as well as the overt populism of refugee politics. These more recent cartoons of asylum seekers fleeing new sites of crisis and persecution reveal the mix of ideologies involving racism, humanitarianism and state exceptionalism being played out in refugee policy.

Australia has a paradoxical record in relation to refugees, providing reluctant protection for refugees when it has been urged to do so by a mix of international and domestic pressure. The 1951 Refugee Convention and the 1967 Protocol have provided a precarious international legal framework to support these national interventions. Against Australia’s meagre history of refugee resettlement, both Labor and Coalition governments have continually trumpeted ‘a proud humanitarian record’. A cursory review of parliamentary debates shows the ready expression of compassion and sympathy for the circumstances of those deemed ‘genuine refugees’. Claims regarding Australia’s record in relation to refugee resettlement numbers tend to be made when Australia has been able to control the size, nature and composition of its Refugee and Humanitarian Program. This paradox has been a reoccurring feature of cartoons from the 1970s onwards.

The state has led discursive, legal and bureaucratic campaigns of deterrence and punishment against those asylum seekers who have arrived in boats since the 1970s. The moral order, predicated on a fundamental distrust of and hostility towards refugees who arrived in boats,
resulted in a series of increasingly cruel, draconian and harsh policy measures. Inch by careful inch, Australia has developed a refugee policy regime which undermines Australia’s obligations to international refugee law (McAdam & Chong 2014). Moreover Australian governments have slowly adopted the deterrence measures of their South East Asian neighbours.

Under John Howard’s government the program of deterrence of boat people was transformed into a project of national security and border protection. The arrival of the *Tampa* was pivotal for this transformation, providing the so-called crisis from which the Pacific Solution and offshore processing, and the militarisation of refugee policy emerged. This regime adopted a range of measures appropriately characterised by Agamben (2005) as state of exception, where the conventions of liberal democratic states are dispensed with by the executive.

Why has Australia seemingly shed its moral responsibility for the “punitive logic” (Manne & Corlett 2004, p.14) of contemporary policy? In part McNevin suggests the answer lies in the ways that asylum seekers challenge “…the long held certainties about where and with whom our political cleavages and affiliations lie” (2011, p. viii). Clearly asylum seeker and refugee policy reveal the paradoxes of globalism (McNevin 2011), and the deeper, darker and more sinister aspects of nation state politics. That asylum seeker and refugee policy is a response to the ethical, legal, administrative and political challenges of states operating in global world is only part of the policy puzzle. Explaining why the Australian nation has responded to asylum seekers and refugees arriving on our shores in leaky boats with the full force of an invading enemy, where asylum seekers and refugees are incarcerated almost as prisoners of war, shifting borders are fenced securely with barbed wire and excision rules, and policy regimes are loudly justified with ugly vilification is complex. The tight language of policy documents and the earnest speeches of politicians obscure the intent and cruel operation of asylum seeker and refugee policies. Political cartoons have at least been able to cut through some of this complexity to real the deeply political nature of refugee policy decision making.

Reflecting on Howard’s leadership failures in relation to refugees, Malcolm Fraser (with Simons 2010) points to Howard’s early opposition to Vietnamese refugees, citing as evidence a conversation between himself and Howard in which Howard asked "We’re not going to
take too many of these people. We're doing this just for show, aren't we?\(^{307}\) (cited in Steketee 2008; Fraser & Simons 2010, p. 425). Fraser (with Simons 2010) argues that his governments' acceptance of refugees, at twenty per cent of the migrant intake and at the rate of 20,000 refugees each year (between 1980 – 1983) was much more substantial than the record of the Howard government in dealing with a peak year intake of 13,235 refugees (Fraser & Simons 2010, p. 423). Fraser argues that “immigration policy, and refugee policy in particular is always going to require political leadership, as well as optimism, reassurance and encouragement from leaders” (with Simons 2010 p. 424). He demonstrates this with the observation “I knew if I asked the people whether we should take in the Vietnamese, they would say no” (with Simons 2010 p. 424). Moreover Fraser says “We had a deliberate approach in what we said in public. We never spoke about fear. We always spoke of tolerance, of diversity, and we planned carefully” (with Simons 2010 p. 425). In contrast under Howard, Fraser says “Australians were encouraged to feel affronted and threatened by the refugees” (with Simons 2010 p. 422).

\textit{Tampa} marked a critical point for Australian asylum seeker and refugee policy which enabled the Howard government to strategically massage a potent mix of invasion anxiety, security, racism, and “paranoid nationalism” in the interests of political advantage (Hage 2003). The “palpable” past, evident in the “anxieties and prejudices of White Australia” (Ang 2003, p. 51) was reinvented with \textit{Tampa}, and linked with new concerns regarding terrorism and national security. John Howard’s Coalition government consolidated Australia’s 21st century anti-refugee policy by using the language of territorial sovereignty, security and nationalism to exclude refugees. However it was Howard’s adoption of the Pacific Solution, which excised national boundaries and established detention centres in Nauru and Papua New Guinea, that began the neocolonial transformation of Australia’s refugee policy regime. Writing recently about Australian refugee policy Veracini concluded that “…the political-institutional structure in place is not a system that fails to deal with refugees, but a system that successfully deals in them” (Veracini 2013, 35). Veracini’s point is that Australia has developed a very successful refugee deterrence framework: it is a policy that works.

Moreover the regime developed by Howard, and subsequently tinkered with by Rudd and Gillard, has been extended by today’s Coalition government which has adopted even more

\(^{307}\) Howard has denied making the comment. Cabinet records do show Howard was present at the meeting after which the comment was made (Fraser & Simons 2010, p. 425).
trenchant interventions aimed at ‘stopping the boats.’ This popular political appeal, imbued with latent racism, has been readily harnessed to national sovereignty policy measures. The result can only ever be ‘dark times’.

The language, discourse, symbols and stories embedded in political cartoons have provided a valuable way to traverse this policy territory. Cartoon responses to developments in asylum seeker and refugee policy have ebbed and flowed, and have not always been available at key policy moments. As this thesis demonstrates, those that have been available deconstruct policy regimes with words and images, laying bare the social construction work of politics and policy making. They are not inanimate but actively critique policy content and policy intent. Here the interpretative work of political cartoons, taken collectively and over time, reveal the modes of reason shaping asylum seeker and refugee policy regimes. Whether the cartoons make the protagonists and the policies look foolish, brilliant, cunning, deceitful or sympathetic reflects the cartoonists’ own political judgment. The cartoons in this thesis range across the humorous, ironic, paradoxical, and powerfully savage. It is clear that in all of their work the cartoonists adopt a position and perspective in relation to particular policy decisions, and towards those responsible for decisions.

This means that the cartoons in this thesis represent asylum seeker and refugee policy with a mix of support and derision. The early 19th and mid-20th century cartoons tend to support government policy directions and the object of critique is the race and nationality of migrants and later refugees. Exceptions to this trend are found in Armstrong and Frith’s cartoons from the 1940s, whose focus is on the negative and discriminatory impact of policy regimes for refugees. By the mid-1970s cartoonists begin to critique refugee policy and portray refugees as victims of Australian racism and hard heartedness. Here the cartoons of Tanner, Petty and Nicholson become a persistent “nerve of outrage” in their responses to asylum seeker and refugee policy (Thompson 1979, p. 231). Refugee policy momentum and interest wanes throughout the 1980s as cartoonists shift their attention to the racism and divisiveness of Blainey, Howard and debates regarding Asian immigration. These cartoons are savage and unforgiving.

By the late 1980s Gerry Hand is the focus of cartoonists as he ushers in the policy of mandatory detention. Curiously given the significance of this policy measure it received little attention from cartoonists at this stage. The 1996 election of the Howard government, along
with Pauline Hanson provided new impetus for cartoonists and they returned to a focus on the divisiveness of race. The Howard government’s demonization of asylum seekers and refugees, along with the arrival of the *Tampa* began the most extensive cartoon coverage of this policy area. This was not surprising given the introduction of extreme and exceptional policy measures. This coverage has continued to the present as cartoonists, along with many others, take a moral stand (Manning & Phiddian (2002, p. 45) on this intractable and difficult area of public life.

It is true that political cartoonists have not changed asylum seeker and refugee policy. However it is also true that that is not their objective. Political cartoons are a means of being actively political. Cartoons matter because they do something political (Press 1981, p. 13). They ridicule and deride and critique the public’s problems (Lippman cited in Latour 2010, p. 228). As this thesis demonstrates, political cartoons engage in political work which “sits at the crossroads… between curiosity and indignation, between the desire to understand and the will to transform” (Fassin 2011, p. 243). The political cartoons in this research provide a record of the fear, hostility, racism, opportunism and populism which has characterised Australian engagement with migrants, asylum seekers and refugees. It is a record of the enduring and ongoing moral dilemma of people arriving in boats.
Postscript

David Pope’s cartoon ‘Cementing the Relationship’ serves as a postscript for this thesis. The cartoon, published in the *Canberra Times*, was a response to the visit to Papua New Guinea (PNG) by Prime Minister Tony Abbott. The Coalition government, who campaigned to ‘Stop the Boats’ during the 2013 federal election, continued the offshore processing on Manus Island and Nauru which was revived by the Gillard Labor government in 2012. By 2013 the Rudd government’s deal with the PNG government introduced a new measure to the refugee policy regime: refugees would be settled in PNG. Under the terms of the Regional Resettlement Arrangement between Australia and Papua New Guinea, refugees who arrived by boat would be processed in PNG and settled in PNG (Department of Foreign Affairs and Trade, 2013). Ostensibly designed to prevent people smuggling, the Arrangement was described as a regional response to asylum seekers and refugees which required PNG to resettle refugees. (Department of Foreign Affairs and Trade, 2013).

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308 A similar deal was negotiated with the government of Nauru.
Pope’s cartoon has PNG Prime Minister Peter O’Neill, wearing tribal headdress sitting on top of Prime Minister Tony Abbott’s pith helmet. The helmet is covered in what is possibly bird shit. Then Immigration Minister Scott Morrison is wrapping the Manus Island Regional Processing Centre in tape. Rowe has written a number of messages on the tape including ‘Twilight Zone’, ‘Do Not Cross’ and ‘No Judicial Personing’. The cover-up Pope alludes to concerned PNG police, PNG locals and G4S detention centre staff in the killing of Iranian asylum seeker Reza Barati and assaults on more than 70 asylum seekers. A Senate Inquiry subsequently found a range of tensions and frustrations for asylum seekers and PNG locals which contributed to the violence (Cornall 2014).

Pope’s cartoon highlights something of the direction which Australian asylum seeker and refugee policy has taken since 2001. His image invokes the neocolonial politics which now drive asylum seeker and refugee policy in using PNG and Nauru and possibly other poor countries in our neighbourhood to warehouse and settle refugees. It is clear that is both Labor and Coalition governments have extended the earlier pattern of exclusion to ensure that asylum seekers and refugees arriving in boats will never settle in Australia.

Pope’s cartoon and the thesis more broadly point to the need for further research. Not only would it be useful to extend the analysis to the current period, it would be useful to explore international asylum seeker and refugee cartoons. As well it would also be useful to explore the work of individual political cartoonists, especially Les Tanner and Bruce Petty, whose work is of particular interest. Further investigation of how political cartoons work to reveal the political is also warranted. The study of political cartoons is a small and growing field, offering a rich vein of research to those interested in understanding the contribution of political cartoons to political, historical and cultural developments.
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