

GUARDING THE FLOOD
GATES: THE REMOVAL OF
NON-EUROPEANS, 1945–49¹

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Mavis Anderson, Gwendoline Westbury, Joyce Cain and John O’Keefe had two things in common: they were British subjects living in Australia, and between 1943 and 1947, they all married somebody seemingly not eligible for Australian permanent residence. The great mistake explored in this chapter – the deportation and attempted deportation of non-Europeans in the immediate postwar years – had serious consequences for those who were separated from their new families. Arguably, the mistake also involved a serious error of judgment on the part of some of those to be deported: they did not expect the authorities to disregard their marriage to an Australian. But could they be blamed for following their hearts?



Mavis Anderson was a waitress in Sydney when she married Abdul Samad Amjah in November 1943. He had been born in 1920 in Malacca (Melaka), Malaya, and thus was a British subject. A seaman and member of the Royal Naval Voluntary Reserve, he had initially come to Australia in early 1942 as a crew-member of the *SS Klang*, which had sailed from Batavia to Broome to avoid capture by the Japanese. Later he served on the *MV Gorgon*, which ferried Australian troops and supplies to New

Guinea. On 12 April 1943, Japanese aircraft attacked the *Gorgon* in Milne Bay. Abdul Samad Amjah was wounded and lucky to survive after drifting unconscious in the water for more than two hours. He was evacuated first to an American field hospital and then to hospitals in Townsville and Brisbane. After his discharge, he moved to Sydney where he met his future wife. He worked as a factory hand and, for six months, as a seaman on the *SS Marella*. Mavis (who embraced Islam and became also known as Minah) and Abdul Samad Amjah had their first child on Christmas Day 1945, followed by a second child in 1947.²

Joyce Cain was an eighteen-year-old working in a Melbourne biscuit factory. Lorenzo Gamboa was wearing a US Army uniform when in March 1942 she first met him on a local train and invited him to her parents' house for tea. He was from Pangasinan in the Philippines. Serving with the American forces in his native country, he had been evacuated to Australia in January 1942 when the Philippines had been occupied by the Japanese. From November 1942 to April 1943, he was stationed in New Guinea. On 9 October 1943, Joyce Cain and Lorenzo Gamboa married in Melbourne. One month later, Lorenzo once more left for New Guinea, and then took part in the American military's push north. In 1944, while serving with General Douglas MacArthur's staff in the Philippines, his wife gave birth to their son Raymond in Melbourne. The end of the war found Lorenzo Gamboa in Japan. In November 1945, he was discharged in Australia, joined his wife and baby son, and took a job with the Victorian Railways.³

Gwendoline Westbury was also from Melbourne. Less than two weeks after VE Day she married Soeka Soemitro, a 36-year-old Javanese. Having lost her status as a British subject due to her marriage, she had to apply for registration as an alien under the wartime National Security Regulations. Asked to state her date of entry into Australia, she wrote, 'Lived here all my life'.⁴ Soeka Soemitro was in Australia not of his own volition but because the authorities of the Netherlands East Indies (NEI) had considered him a troublemaker. As he belonged to the central executive of the Indonesian nationalist organisation Pendidikan, the Dutch had exiled him to Tanah Merah, a malaria-infested settlement in West New Guinea. In late May 1943, the Dutch evacuated more than 500 Tanah Merah exiles to Australia. After a request by the NEI authorities,

the Australians imprisoned these political exiles, who included women and children, in internment camps at Cowra and Liverpool, NSW. Soeka was one of the first Indonesian internees to be freed when he was released from Cowra on 3 November 1943. Ironically, he ended up working for the government that had been responsible for his internment: he took a job with the Indonesian-language newspaper *Penjoeloeh*, which was published by the NEI Government Information Service in Australia. After his marriage, he left the *Penjoeloeh* and found employment first in a South Melbourne knitting mill, and then with an engineering firm. In April 1946, Gwendoline gave birth to their daughter.⁵

In September 1942, 33-year-old Annie Maas Jacob – originally from Celebes (Sulawesi) – was evacuated from the Aru Islands in the Moluccas on *HMAS Warrnambool*, accompanied by her husband, Samuel, and their seven children. They were first taken to Darwin, and from there to Melbourne. Another child was born to the couple in Australia. In 1944, Samuel died in a plane crash while returning from New Guinea on a mission for the NEI Intelligence Service. Three years later, Annie married John O’Keefe, who had been the Jacobs’ landlord since 1943. The family continued to live at John’s house in Bonbeach on the Mornington Peninsula, south-east of Melbourne.⁶

During World War II, thousands of non-Europeans were allowed to enter Australia. They included evacuees like Annie Jacob from South-East Asia and from Australia’s colonial territories (Papua, New Guinea and Nauru); seamen like Abdul Samad Amjah; Allied military personnel like Lorenzo Gamboa; internees like Soeka Soemitro; and Japanese prisoners of war. Their stay in Australia was never meant to be permanent.

It is unlikely that any of the approximately 7000 non-European evacuees and seamen who were allowed into Australia – nor the POWs, internees and soldiers who entered the country involuntarily or in the line of duty – came with the intention of settling permanently. After Abdul Samad Amjah was discharged from hospital, he wrote to the immigration authorities:

I would like to have a rest on shore for a while, and would therefore request you to be good enough to allow me to look for shore work. I do not intend to settle down in Australia, as I have got my home with my mother, sister and brothers in Malacca, to where I intend to return as soon as the war is over.⁷

The overwhelming majority of non-Europeans left Australia as soon as conditions in their homelands permitted their return. Shipping capacities were limited in the immediate postwar years, and as priority was given to the repatriation of Allied soldiers, the authorities were unable to remove all non-European temporary entrants as promptly as they would have liked. At the end of the war, probably only a few hundred non-European wartime arrivals would have opted to remain in Australia. But the longer they stayed, the greater was the chance that they would prefer to stay. Contrary to their initial intentions, many of the temporary entrants did 'settle down' in Australia, and their willingness to depart was tempered by the attachments they formed. Those who found steady employment or who fell in love with an Australian and established a family were most reluctant to leave, particularly if their Australian partner was unable or unwilling to accompany them.

But the Labor government was determined to uphold the principles of the White Australia policy and effect the departure of all non-European temporary entrants. The minister responsible for their removal was Arthur Calwell, Minister for Information since 1943 and Australia's first Minister for Immigration from 1945. He was committed to enforcing the policy, and categorically refused to allow any exceptions. Those who were reluctant to leave Australia had three obvious options: they could go into hiding, wait to be deported, or pre-empt a deportation order by departing voluntarily. A minority was able to evade the Immigration Department: in mid-1950, the department knew of, but could not locate, 99 non-European wartime arrivals.⁸ But the majority only had the choice between a voluntary and an enforced departure.

The immigration authorities contacted Lorenzo Gamboa in early 1946 and told him that he must leave within three months. Gamboa complied and departed in June 1946 for the USA, believing that he would be able to return once he had taken out American citizenship. On 26 July 1946, he became a naturalised US citizen. He rejoined the US Army and was once more posted to Japan. The Gamboas' second child was born in January 1947. In October 1948, Lorenzo applied through the Australian mission in Tokyo for permission to re-enter Australia. Aware that the Immigration Department might refuse him a permanent visa, he was prepared to compromise. The Australian mission

in Tokyo reported to Canberra: 'If Corporal Gamboa is not eligible for permanent admission to the Commonwealth he requests admission for a limited period to see his wife and children prior to making definite plans for their future'.⁹ But he was denied even a visitor's visa.

Most former internees, evacuees and Allied soldiers from the Indonesian archipelago were repatriated in 1946. In early 1947, the Australian government made arrangements for the repatriation of the remaining Indonesians, including Soeka Soemitro, on *HMAS Manoora*. At around the same time, conflicting reports appeared in the Australian press about the living conditions that awaited the Australian wives of Indonesian repatriates. In March, the Australian consul general in Batavia told the Department of Immigration that 'it is wiser that women should not come yet', for '[I]f life in a native village would be just unthinkable and many towns are overcrowded so that they might have to live in a room or two that they must find unpalatable'.¹⁰ So Calwell announced that Australian women and children would not be allowed to accompany their Indonesian husbands and fathers when the latter were repatriated on the *Manoora*. Understandably, Soeka and others in his position now wanted to remain in Australia to avoid being separated from their families, but they had little choice. They left the country on the Australian troopship.

Calwell's ban only affected 'white' women and children, for when the *Manoora* left Brisbane on 3 May 1947, the Immigration Department's Queensland office reported that '349 Indonesian and 23 Australian-born coloured women, wives and children of Indonesians departed'.¹¹ Gwendoline Soemitro was one of four Melbourne-based white women who were forced to remain behind. She and her daughter were left in a precarious position, as the Indonesian authorities did not permit Soeka to remit money for her maintenance, and Victorian legislation did not allow for the payment of social security benefits to her, thus forcing her initially to rely on her parents for support. In 1949 Gwendoline finally joined Soeka in Macassar.

Abdul Samad Amjah received his first notice to leave Australia in October 1947. He was then one of 14 Malaysians who had married or entered into de facto relationships while living in Australia, and who had not yet returned to Malaya or Singapore. In January, Arthur Calwell

signed deportation orders against 18 Malayans, including Abdul Samad Amjah, even though the latter's employer had offered to deposit a bond with the immigration authorities should he be allowed to stay, and Mavis Amjah was expecting another child. Samad and 15 other Malayans, among them at least six men married to Australians, left Australia on 7 February 1948 aboard the Japan-bound *SS Westralia*. From Tokyo, the men were transferred to Singapore. Here, Samad Amjah joined the auxiliary police force. Anxious to return to Australia at the earliest opportunity, he sought the help of the Australian commissioner in Singapore, who supported his application for a visa. But as in Gamboa's case, the Immigration Department was not even willing to grant him a visitor's visa. In September 1948, Samad Amjah signed on as crew on the *SS Marella*, and upon reaching Sydney deserted the ship to rejoin his family. Working first under an alias, and then under his own name, he avoided the attention of the immigration authorities for three months until he was given a dictation test in French.¹² After predictably failing it, he was charged with being a prohibited immigrant.

Annie O'Keefe took an exceptional course of action which affected the cases of other wartime entrants determined to remain in Australia. Told to leave Australia or face deportation, she challenged the government in the High Court. In March 1949, the court ruled that in order for the Department of Immigration to control her stay in Australia by means of certificates of exemption, she needed to have been declared a prohibited immigrant, which would have required her to have failed a dictation test. But the immigration authorities had not administered the dictation test to either the wartime evacuees or the discharged seamen. The court further ruled that she could not become a prohibited immigrant by means of the administration of the dictation test five years or more after her arrival. The judges therefore upheld Annie O'Keefe's appeal against Calwell's deportation order.

The government responded by drafting the Wartime Refugees Removal Bill, allowing it to deport wartime refugees regardless of the circumstances under which they had been admitted. When the bill was debated in parliament in mid-1949, only the former NSW premier, Jack Lang (who called it the 'Reprisals Against Mrs O'Keefe Bill'), and the left-wing independent, Doris Blackburn, spoke against it. The

opposition, led by Robert Menzies, did not object in principle to the government's attempt to close a loophole in the administration of the White Australia policy. The Act came into force in July 1949, six months before the federal election that saw Ben Chifley's government voted out of office.

In August, the High Court rejected a challenge mounted by several Chinese seamen against the Wartime Refugees Removal Act, but despite Calwell's determination to rid Australia of the 'recalcitrant minority' of non-European wartime refugees, the Act had little effect because the Immigration Department deferred the serving of deportation orders.¹³ While the federal opposition had not resisted the Act, its leaders repeatedly attacked Calwell over the uncompromising administration of Australia's non-European immigration policy. In doing so, they joined newspaper editors, church leaders (including the Catholic Archbishop of Melbourne and Calwell confidant, Daniel Mannix), unionists and many ordinary Australians who were appalled by what they perceived as Calwell's heartlessness.

The first deportation case to attract considerable public attention was that of the 14 Malay seamen married to Australian women and threatened with deportation in late 1947. It became major news in Singapore and Malaya, and was also picked up by the Australian press. But it was the case of Annie O'Keefe that put the issue at the top of the political agenda. The plight of the O'Keefe family first featured prominently in the Australian press in January 1949. In February, Sydney's *Daily Telegraph* set up a fighting fund to finance her High Court appeal, arguing that 'the people of this country, whatever their politics, will want her to have every chance to prove the rights she thinks she possesses'.¹⁴ Within five days, readers had offered a total of £747.

While the O'Keefe case was before the High Court, the Australian public learnt of Samad Amjah's impending court case over his alleged illegal entry into Australia. In early March, several newspapers ran sympathetic articles, illustrated by photos depicting him and his wife, and sometimes also his Australian children. Samad Amjah was strongly supported by his union, the Tanning and Gelatine Union. He was sentenced to six months gaol pending deportation, but this was overturned on appeal on the grounds that the Immigration Department had no power

to order him to leave Australia because he had not failed a dictation test within five years of arriving, and because Amjah had by now ‘been absorbed into the community’ and was, therefore, no longer an immigrant in the meaning of the Immigration Act.¹⁵ Following advice from the solicitor general, the Immigration Department decided against appealing to the High Court. Amjah’s victory was complete when the *Marella’s* owners declined to pursue their own case against him for deserting the ship.

Calwell’s defeat in the High Court was closely followed by the public furore over his refusal to grant a visa to Lorenzo Gamboa. The Gamboas’ story broke after a Tokyo-based journalist, Denis Warner, heard of the case. In an interview in 2001, Joyce Gamboa recalled having been woken at two o’clock one morning by Melbourne journalists wanting to confirm and follow up Warner’s story. As in the case of Annie O’Keefe, the newspapers played a key role in mobilising public support: ‘The reporters were very good to me’, Joyce Gamboa remembered. ‘Actually the reporters did everything. I didn’t have to do a particular lot.’¹⁶ Lorenzo also had a prominent international backer: ‘MacArthur asks Australia to Help Gamboa’, the Melbourne *Sun* announced in a front-page headline on 25 March 1949.



The Amjahs, the Gamboas and the O’Keefes enjoyed much popular support because the non-European adults in these families were respectable, spoke English and were married to Australians. Abdul Samad Amjah, Lorenzo Gamboa and Annie O’Keefe’s first husband, Samuel Jacob, had actively supported Australia during the war. Samad Amjah was a member of the Returned Sailors’, Soldiers’ and Airmen’s Imperial League of Australia (RSSAILA, which was the precursor of the RSL – Returned and Services League of Australia). There was no tangible evidence for Calwell’s claim that granting permanent residence in some individual cases would irredeemably compromise Australia’s immigration policies. Public sentiment was also the result of a skilful media campaign, which was partly motivated by an agenda unrelated to the government’s immigration policy. As Minister for Information in the final two years of the war, Calwell had been in charge of censorship and

experienced a difficult relationship with sections of the Australian press. Besides, 1949 was an election year, and the government's opponents in the media and in parliament milked the deportation controversies for all they were worth.

In spite of the public outcry, Calwell remained unwavering in his commitment to refuse exceptions. He was convinced that he was right, and that the Australian public, if not already behind him, would eventually recognise that. He variously suspected communists, journalists, newspaper proprietors and the Dutch government of orchestrating the campaign against him. Defending his stance, he frequently used language that could be considered offensive, even by the standards of the time. On 9 February 1949, in response to criticism by the Liberals' Harold Holt over his treatment of Annie O'Keefe, Calwell declared: 'We can have a white Australia, we can have a black Australia, but a mongrel Australia is impossible, and I shall not take the first steps to establish the precedents which will allow the flood gates to be opened'.¹⁷ He also frequently cast aspersions on the integrity of some of the 'recalcitrants'. Thus he insinuated that the only rationale for Annie O'Keefe's second marriage was to foil the Immigration Department's attempt at making her leave the country.

Throughout his political career, Calwell was a populist. By taking a populist approach to issues of colour and race, however, he effectively legitimised racist and xenophobic sentiments. During the 1949 federal election campaign, Calwell defended his decision not to allow Lorenzo Gamboa to join his wife and children by telling a crowd at the Brunswick town hall: 'If we let in any US citizen, we will have to admit US negroes. I don't think any mothers and fathers want to see that'. According to a newspaper report, Calwell 'was cheered when he said that he was not going to take the responsibility of turning any Australian community into the unsatisfactory state of affairs which existed in Harlem in America'.¹⁸

Calwell's uncompromising stance was a mistake for at least five reasons. First, his determination to repatriate or deport all non-Europeans who had arrived in Australia during World War II severely damaged Australia's reputation overseas, particularly in South and South-East Asia.¹⁹ Two days after the threatened deportation of the 14

Malay seamen became front page news in Singapore, the Australian commissioner in Singapore wrote to the Department of Immigration: 'Hostile reaction here upon the reported decision to deport 14 Malaysians, is the most extreme we have yet had to face, and has already largely undone the goodwill towards Australia of the local Asian population resulting from our initiative in supporting the Indonesian Republic'. The commissioner urged the department to reconsider its approach, thinking it 'wiser from a long term point of view to make judicious exceptions to the immigrant regulations than give occasion to criticism of staff policy which may very likely reach the United Nations Assembly'.²⁰ Like many other diplomats at the time, he was sceptical about the merits of the White Australia policy.

As Calwell's determination to rid Australia of all non-European wartime arrivals was reported prominently in South and South-East Asia, Malaysians, Filipinos and others felt insulted and expected their governments to retaliate against Australia's discriminatory policy. In 1949, the parliament in Manila passed a Reciprocity Immigration Bill, which, if it had been enacted, would have prevented Australians from entering the Philippines. It took years to restore the goodwill towards Australia in Asia. In the Philippines, in particular, Australia remained first and foremost associated with its non-European immigration policy. In 1956, the Australian ambassador in the Philippines wrote in a briefing paper for Prime Minister Menzies:

The attitude of the Philippines towards Australia is a bit hard to define. The vast majority of the people know only that there is a big country somewhere or other down south which, a few years ago, was nasty to a man called Gamboa. The rather few who know very much about us still, I am afraid, when they think of us also recall Gamboa.²¹

Eight years later, another Australian ambassador in Manila noted that 'Reporting from this post has frequently mentioned the starring role that Sergeant Gamboa still plays in Philippine mythology, and his unfortunate influence on Australia's image amongst the Philippine masses'. Having been 'confronted with this popular if misunderstood character by almost everybody I meet, from near-naked tribesmen to important

government officials and congressional personalities', the ambassador suggested that the Department of External Affairs prepare a leaflet presenting Australia's side of the story and drawing attention to its happy ending.²² External Affairs rejected this proposal out of fear that such publicity would only draw further attention to Australia's discriminatory immigration policies.

Second, by its unwillingness to countenance exceptions to the existing policy, the government missed a golden opportunity to gradually reform its non-European immigration regime, which had become a liability in Australia's relations with its Asian neighbours and was increasingly seen as an anachronism as other settler nations adjusted their immigration policies.

Third, the deportation of men such as Abdul Samad Amjah and Lorenzo Gamboa was arguably not in Australia's economic interest. Calwell himself was one of the principal advocates of a dramatic increase in Australia's population. The government had recognised that its preferred options – a higher birth rate and an increase in British immigration – would in themselves be insufficient for reaching the target of a two per cent annual increase. From 1947, the Immigration Department recruited significant numbers of non-English speaking migrants from Europe. Given the costs involved in resettling Europeans in Australia, and the fact that men like Amjah spoke English and had no problem in finding employment, it made little economic sense to incur more costs by deporting them.

Fourth, the government failed to act responsibly and to show leadership on an issue that appealed to racist rabble-rousers. Instead, Arthur Calwell employed the politics of fear by suggesting that the granting of permanent residence to comparatively few non-Europeans – in 1949, the number of non-European wartime arrivals wanting to stay in Australia amounted to less than one per cent of all non-British European migrants arriving that year – would lead to uncontrolled Asian immigration.

Finally, by exercising no discretion when implementing the policy, Calwell failed to take into account the human rights of the individuals affected by it. It is by no means self-evident that the national interest ought always to be accorded precedence over the welfare of individuals.

In this case, the latter should have been given particular weight, especially because some of the individuals concerned were Australian-born.

While the strength of these five arguments is more apparent in the early twenty-first century thanks to the benefit of hindsight, each of them also was, or could have been, convincingly put forward in the second half of the 1940s. Besides, in at least three respects Calwell committed a tactical blunder. His rigid enforcement of the White Australia policy detracted from his achievements as Australia's first Minister for Immigration, most notably his negotiation of an agreement with the International Refugee Organization in 1947, which paved the way for the arrival of 180,000 European displaced persons in Australia over the next six years. His handling of the O'Keefe and Gamboa cases, in particular, provided ammunition to his political opponents and allowed them to portray him as uncaring and inflexible. Lastly, Calwell's decision to refuse exceptions effectively undermined the very policy that he wanted to uphold, because its critics were able to use the hardship caused by its implementation in individual cases to attack the whole policy.

There are numerous reasons why Calwell made this mistake. He was driven by a sense of mission, genuinely believing that Australia needed to be quarantined from non-European immigration. Among Australia's senior politicians he was consistently the most passionate postwar advocate of the White Australia policy. He believed that he was merely defending a long-standing principle, time and again referring to this policy as one 'that has been carried out by every Australian government since federation'.²³ Finally, he believed that the Australian public overwhelmingly supported his stance. He correctly assessed the community's general mood with regard to the White Australia policy's broader principles, but misjudged both the extent to which ordinary Australians could sympathise with individual victims of this policy, and the power of the printed word when advocating such compassion.

Calwell tried to enforce the White Australia policy not just with respect to non-European wartime arrivals. He controversially ordered the deportation of other long-term non-European residents, including the African-American boxer, Clarence Olin Reeves ('Alabama Kid'), who also had an Australian wife, and he unsuccessfully tried to deport

others such as North Queensland potato farmer, Frank Jang, who had lived in Australia for 19 years. In response to the arrival of hundreds of Anglo-Indians and Ceylonese Burghers, Calwell tried to tighten the regulations governing the entry of people of mixed descent. And motivated both by Australian wartime experiences and his commitment to established immigration policy, he prevented Australian servicemen who had married local women while serving with the Allied occupation forces in Japan from bringing their Japanese wives to Australia. During his tenure as Minister for Immigration, Calwell reserved his most vitriolic public comments for Japanese women, claiming in 1948 that they would pollute Australia's shores if allowed into the country.²⁴

In December 1949, the Chifley government lost office after the Australian Labor Party (ALP) suffered a heavy defeat in the polls. On 16 February 1950, the Liberal Party's Harold Holt, Calwell's successor as Minister for Immigration, approved Lorenzo Gamboa's application to migrate to Australia subject to the usual health and character requirements. Lorenzo visited his wife in 1951, moved permanently to Australia the following year, and has lived in Australia ever since. Gwendoline Soemitro returned to Australia in 1951. She then obtained a visa for her husband to re-enter Australia. In November 1954, Soeka Soemitro joined his wife in Melbourne.

The Menzies government did not repeal the Wartime Refugees Removal Act 1949 (that was done by the Whitlam government in 1973), but it did not use it to deport those non-Europeans who had come to Australia during the war and preferred to remain rather than return 'home'. Of the 853 non-European wartime arrivals whose whereabouts in Australia were known in July 1950, 832 were allowed to stay. Most of them were either evacuees from the Pacific Islands or former seamen. By softening Australia's approach to non-European wartime arrivals who had substantial ties in Australia, the government was able to partly remedy its predecessor's mistake. Political leaders and media in South and South-East Asia welcomed the policy reversal, although they did not easily forget the earlier approach and the rhetoric Calwell and others had employed to justify it. By removing the most visible bones of contention associated with the White Australia policy, over the next two decades the Australian Government was able

to change its non-European immigration policies on its own terms, rather than purely in response to public pressure overseas. Holt's humanitarian gestures proved that the scenario invoked by Arthur Calwell – namely, that the creation of precedents would open the 'flood gates' to Asian immigration – was unfounded scaremongering. In the long term, exceptions to the rule strengthened rather than weakened that rule. Thus the Menzies government's decision to reverse its predecessor's decisions served as retrospective evidence that Calwell had, indeed, committed a mistake.



Unlike some other cases of non-Europeans separated from their Australian families in the aftermath of World War II, the stories of the four couples featured in this chapter had happy endings. But the hardship they endured was nevertheless considerable. Mavis Amjah, Gwendoline Soemitro and Joyce Gamboa had to care for their children without the support of their husbands. The enforced separation of the three young couples inevitably resulted in heartache. Even the lives of Annie and John O'Keefe were thrown into turmoil while Annie and her children were threatened with deportation.

During the 1950s, successive Liberal immigration ministers were more circumspect when overseeing the implementation of the non-European policy. The first to once again insist on the inviolability of the White Australia policy, regardless of the backlash, was Alexander R Downer, Minister for Immigration from 1958 to 1963. In 1961, he signed deportation orders against two Darwin-based Malay pearl divers, who had been in Australia since 1949 and 1955 respectively. Due to a crisis in Australia's mother-of-pearl industry, they had been unable to find a master pearler willing to employ them. Like Annie O'Keefe before them, they challenged the minister's orders in the High Court. They were backed by the majority of Darwin residents, and they were supported by several newspapers, unions and many members of the public in the southern states. In May 1962 Downer gave in and allowed the two men (as well as other pearling operatives in similar circumstances) to stay. In this case, too, the minister's initial decision to enforce the White Australia policy at all costs had attracted much media and

public criticism in South-East Asia. On the domestic front it also provided welcome ammunition to the newly emerging immigration reform movement.²⁵

But at the time, the case of the Malay pearlers and another *cause célèbre* – that of the Fijian-Indian girl Nancy Prasad, who was forced to leave Australia by Downer’s successor, Hubert Opperman, in 1965 – were isolated incidents. It was only in the late 1990s that an Australian immigration minister consistently adopted a stance similar to that of Arthur Calwell. Like Calwell’s, Philip Ruddock’s term as Minister for Immigration (1996–2003) was marked by controversies over the government’s deportation policy. While Calwell had tried to enforce the White Australia policy, Ruddock tried to remove people who were in Australia illegally because they had overstayed their visas, and to enforce an increasingly hardline policy on asylum seekers. The latter provided for the mandatory detention of all asylum seekers entering Australia without a visa, for the removal of asylum seekers whose protection claims Australia had denied, and for the granting of temporary protection visas to asylum seekers recognised as refugees, which prevented them from sponsoring their families or even from visiting them overseas.

In 1989 the Hawke government had introduced legislative changes that had transformed Australia’s immigration regime from one largely based on discretion to one relying almost entirely on rules. Yet unlike Calwell, and more so than his immediate Labor predecessors, Ruddock was willing to exercise ministerial discretion. In fact, in the wake of the so-called ‘cash-for-visas scandal’ in 2003, a Senate select committee strongly criticised the minister’s liberal use of his discretionary powers. But like Calwell in his approach to non-European immigration, Ruddock did not want publicly to be seen as compassionate towards asylum seekers and overstayers, however much he was willing to exercise his discretion on the quiet. Publicly he equated compassion with weakness, which, he believed, could be exploited by people trying to circumvent Australia’s immigration regime. He repeatedly warned that Australia risked becoming a soft target for illegal immigrants, just as Calwell had conjured the spectre of uncontrolled immigration from countries to Australia’s north. Like Calwell, Ruddock tried to justify his hardline stance by claiming to have the majority of Australians behind

him. Unlike Calwell, who in 1949 became a liability for the Chifley government because of the deportation controversies, Ruddock did not misjudge the electorate's mood. His implementation of the Howard government's asylum seeker policies contributed substantially to the Liberal–National coalition's success in the 2001 federal election.

Both Calwell and Ruddock argued that to allow aliens or non-citizens to remain in Australia on compassionate grounds made little sense, because on its own Australia would never be able to adequately address the world's humanitarian crises. In July 1949, Calwell rejected the opposition's demand to make exceptions on compassionate and humanitarian grounds:

It is impossible to run a government policy of this kind unless it is run entirely impersonally. If we were to allow compassionate considerations to influence our judgment we should never refuse entry to this country to anybody from the poverty-stricken areas to the north of us. ... We do not adopt compassion towards these peoples, in the mass, simply because they are out of sight, and, apparently, 'out of sight is out of mind'. But when a particular case crops up the Opposition says, 'Let them stay'. If we keep on establishing precedent after precedent of that kind very soon we shall have all precedents and no policy.²⁶

Both Calwell and politicians defending the Howard government's asylum seeker and deportation policies have belittled critics whose arguments are informed by compassion as 'bleeding hearts'. 'Maudlin sentimentalists' was one of the labels used by Calwell.²⁷

Ruddock's stance was arguably a mistake, for reasons similar to those cited against Calwell. As it had in the late 1940s, Australia's international reputation in the late 1990s and early 2000s suffered as a result of the government's uncompromising approach to 'unauthorised arrivals'. Australia was condemned by reputable non-government organisations such as Amnesty International and Human Rights Watch, reprimanded in international fora such as the United Nations Human Rights Commission, and criticised in overseas media. At a time when Australia was seeking to attract new immigrants, the costly detention and removal of failed asylum seekers and overstayers, many of whom were willing to

work in unattractive industries and locations, was arguably not in the national interest. As had happened in the late 1940s, the government's failure to exercise responsible leadership encouraged racists and led to a general hardening of community attitudes towards refugees and asylum seekers. Finally, the government's policy has had a significant impact on the lives of many individuals, including the Australian-born children and spouses of deportees. Because of its insistence to remove all overstayers and all asylum seekers not accorded protection as refugees under the 1951 Refugees Convention, the government has put the lives of many deportees at risk.²⁸



It could be argued that the broader policies of the Chifley and Howard governments – the White Australia policy and the post-1992 asylum seeker policies, both of which, incidentally, have had cross-party support – were, or are, in themselves great mistakes. While I am sympathetic to such an argument, I leave it for another occasion. Here I merely suggest that governments ought to pay attention to humanitarian considerations and to allow 'judicious exceptions' to immigration policy – if only because the national interest does not automatically outweigh the human rights of individuals.

In a 2001 interview, Joyce Gamboa mused that she would not have married Lorenzo if she had known how difficult it would be for him to join her in Melbourne. But Australian governments should allow for and be able to accommodate the mistakes some individuals make when following their hearts, rather than sow fear in people's minds about the alleged consequences of 'precedents'. Government policy that is run 'entirely impersonally', as Calwell demanded it should, is often simply inhuman.

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- 12 C Howard, *Australia's Constitution*, Penguin, Ringwood, Vic, 1978.
- 13 H Nelson, 'State Politics', in R Smith and L Watson (eds), *Politics in Australia*, Allen & Unwin, Sydney, 1989, p. 155.
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Chapter 12

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