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Australian Refugee Policy and Party Rhetoric in Contrast: A Study of the Hawke/Keating and Howard Governments

by

Paul Mercieca

This thesis is submitted towards completion for the Bachelor of Arts (Hons) at Edith Cowan University.

Abstract

Australia's acceptance of refugees has a long and controversial history. As a nation, we have at times accommodated and accepted multitudes of various individuals of differing faiths, ethnicity and cultures into our society. Australia is indeed a cosmopolitan community of indigenous and immigrant Australian citizens that have displayed periods of welcoming refugees from war-torn states as under Malcolm Fraser's leadership in the late 1970s. Concurrently, we have actively discriminated, sometimes implicitly, although not always, against certain immigrants, including refugees from China and Papua and New Guinea during the late 1960s and early 1970s. The community's perception of refugees has often curtailed the more liberal accommodation of foreigners in need of refuge. The refugee policy and its wholesale delivery by the government of the day has the ability to change and influence the zeitgeist through government leadership, or can alternatively appeal to the popular interest and continue to be voter orientated.

This thesis compares and contrasts the periods of the Bob Hawke and Paul Keating administrations (1983-1996) and the John Howard administration (1996-2007). It investigates this epoch to analyse similarities and differences between the Labor and Coalition governments with respect to rhetoric and policy associated with refugees. Case study examples are utilised to compare how Hawke and Keating as well as Howard issued rhetoric and applied policy.

This study tested three main similarities between the Labor and Coalition governments. First, within policy, both governments continued to uphold Australia's refugee intake quotas to a ten per cent margin of the overall per annum immigration intake. In spite of this accomplishment, more serious problems of resettlement issues were poorly administered by both parties. Secondly, foreign policy and economic policy were major considerations for conservative and centre-left governments during their respective periods of incumbency. These policies often had a direct affect on refugee issues concerning who and how many refugees may be admitted into Australia. Thirdly, the rhetoric employed by both party governments generally appealed to their respective constituents although actual affects on policy implementation were marginal.

These findings illustrate research outcomes worthy of attention. Although Australia has a good record in comparison to other net-receiving refugee countries, scope remains to increase the nation's quota for future refugee admittance (on or offshore), in line with Australia's economic prosperity. There has been, at select times, a window of opportunity for political leaders to show strong leadership on this front. However, pragmatism driven by a following of public opinion has tended to outweigh leaders interest in following such a course. Both, Hawke and Howard had times in which they could have demonstrated elite moral fortitude and taken the step of accepting wider and more numerous refugee quotas. Foreign policy implications and domestic constituent considerations have lent their respective weight on the leaderships' decisions. Hawke and Howard have become more pragmatic and less convictional as their terms in office progressed.

Declaration

I certify that this thesis does not, to the best of my knowledge and belief:

i)   incorporate without acknowledgement any material previously submitted for a degree or diploma in any institution of higher education.
ii) contain any material previously published or written by another person except where due reference is made in the text; or
iii) contain any defamatory material.

I also grant permission for the library at Edith Cowan University to make duplicate copies of my thesis as required.

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Acknowledgements

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Introduction

Despite public rhetoric to the contrary, there are a large number of similarities between the policy approaches to refugee issues by the two major parties in modern Australian politics. Convergence of political parties' constituency's and the 'battle for the middle ground' are flourishing within Australian politics and the microcosm example of how this has impacted on refugee policies is worthy of further investigation. Differences in policy, discussed below, are primarily concerned with two aspects that include ideological divergence, individualism and collectively, and ministerial intervention through leaders partiality to particular refugees.

The majority of contemporary opinion and research into refugee policy has highlighted the severity of the Coalition's response to refugees in the last decade[1] (Brennan, 2003, pp. 47 – 57; Crock, Saul, Dastyari, 2006, pp. 113 – 122; Mares, 2002, pp. 121 – 133; Probyn, 2009). From this general consensus of academic and journalistic opinion, this thesis sets out to compare and contrast the ALPs policy and rhetoric to ascertain if this opinion can be authenticated. The thesis aims to prove this assertion is in fact a fallacy and realistically there is very little divergence between ALP and Coalition policy on refugees.

The focus of this thesis is the similarities and differences associated with refugee policy and party rhetoric between the governments of Hawke/Keating and Howard. Three principle areas of the topic - boat people, visa categories and mandatory detention – will provide the basis of comparison, as these areas of interest are the fundamentals of refugee policy and its associated rhetoric and spin. Various case studies will be utilised within this discussion to compare the two parties' policies and associated rhetoric.

The Australian public debate covering the multiple aspects of refugees is often a vexing contemporary issue. The array of frequently interchangeable words and expressions employed by the press often contributes to public confusion and misunderstanding of an already complex issue[2]. To nullify any such misunderstandings in the context of this thesis, the author seeks to define some key words and therefore ensure clarity of expression when discussing this issue.

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[1] Alan Moir's and Bill Leak's political satire captures the cartoonists' impression of the leadership's policies and rhetoric (See Brennan, 2003, p. 51).

[2] Ian Ward (2002, pp. 22 -23) argues the journalistic use of the term 'illegal immigrants' to describe the asylum seekers on board the *Tampa* framed the public debate that favoured the incumbents position. See Romano, (2007, p. 245) for examples of journalist use of terminology.

Table 1.1 Terminologies

Serial	Terminology
1	Asylum seeker
2	Refugee status
3	Refugee policy
4	Mandatory detention

An asylum seeker is an applicant seeking potential refugee status (Jupp, 1994, p. 66). It must be noted here that an asylum seeker is not deemed a 'refugee' until their status has been evaluated and their claims substantiated in reference to the United Nations High Commission for Refugees (UNHCR) 1951 Convention and the 1967 Protocol. Asylum seekers entering Australia without a visa do so unlawfully (Brennan, 2003, p. 5). This is expressed according to Section 13, Paragraph 14, of the *Migration Act* 1958. To avoid misunderstanding, a person within the migration zone prior to 1994 being an illegal entrant; is now referred to as an unlawful non-citizen (*Migration Act,* 1958, s.14). This category is normally represented rhetorically by the expression 'boat people' as well as referring to individuals that stay within Australia past the limit of their visa entitlement. Asylum seekers entering the Australian migration zone with a visa are referred to as 'lawful non-citizens' (*Migration Act*, 1958, s.13). This category is represented normally by students and tourists arriving by air, who then may claim asylum in Australia. An additional note is that asylum seekers are not differentiated by the means or mode of transportation to the Australian continent. In other words, the crucial distinction that requires explicit illustration is that it is unlawful to enter Australia without an appropriate visa according to Australian law, but it is *not* (emphasis added) morally or ethically unreasonable to do so. Therefore, mandatory detention is required for administrative purposes only and should not be viewed as punitive in implementation[3].

Refugee status is defined according to the 1951 Convention:

> 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

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[3] Critics (Maley, 2004, p. 151) (Mares, 2001, pp. 56 – 58) have stated that this policy is punitive in implementation. The main assertion to justify this punitive labelling is the treatment of asylum seekers whilst they are being held in detention and its 'human cost' (Davies, 2007, p. 6).

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 1A, [2]).

Australia's accession to the 1967 Protocol in 1973 effectively expanded the terms that defined refugee status. Article I, paragraphs 2 and 3 removed the restrictions placed on state signatories of the 1951 Convention. Paragraph two omitted the time restriction which was stipulated in the 1951 Convention that meant events occurring before 1 January 1951 were a requirement for refugee status in acknowledgement that more recent events have caused substantial refugee flows, commonly termed 'push factors'. In addition, paragraph three removes any geographical restrictions placed on signatories of the original Convention. Thus not only European origin refugees may be considered for asylum and refuge (Cutts, 2004, p. 6; see Figure 1.2 below).

In light of the international obligations highlighted above, it is important to note that recommendation E (echo) of the convention embodies the ethos and spirit of the convention that urges this formal status as a bench mark. Countries ratifying or acceding to the convention should interpret this as the minimum standard for the treatment and processing of refugees (McMaster, 2002, p. 33).

Refugee policy is the portion of the larger immigration portfolio that is administered by the federal government that explicitly pertains to humanitarian and person in exile policies. Burnside, (2007, p. 252) however draws an apt distinction that he expresses succinctly as:

> Immigration policy is a reflection of demographic, social and economic considerations which cause a country to say they would like this many people, or of this or that skill base, this or that ethnic origin. Refugees have quite a different claim to our hospitality. Refugees are fleeing persecution, torture or death in a place which is unsafe, and they seek [our] protection.

It is critical to define this distinction, as visa categories will be discussed in Chapter three. For the period under review, three basic categories of immigration policy exist. These consist of family, skilled and humanitarian (Lloyd, 1993, p. 77). Each category has variations of sub-categories that fluctuate in actual intake numbers and quotas set by the Department of Immigration (see Figure 1.1 below). Thus, putting the family and skilled categories to one side, the humanitarian category is divided into three components under the Hawke administration which included a Convention refugee total (UNHCR vetted offshore refugees), a special humanitarian total (persons who do not meet the strictly 1951 convention parameters for refugee status) and a special assistance program (introduced in 1991 and removed in 1996 to deal with unique events – such as the Kosovo crisis). It is important to note that a specific

category was not set aside for 'onshore arrivals', this inadvertently demonstrates the diminutive size of this unpredictable element within the humanitarian category. Howard's term in office saw the abolition of the final category in 1996, leaving just the first two aforementioned categories in use (Jupp, 2003, p. 84).

Figure 1.1 Immigration and Refugee Policy Categories
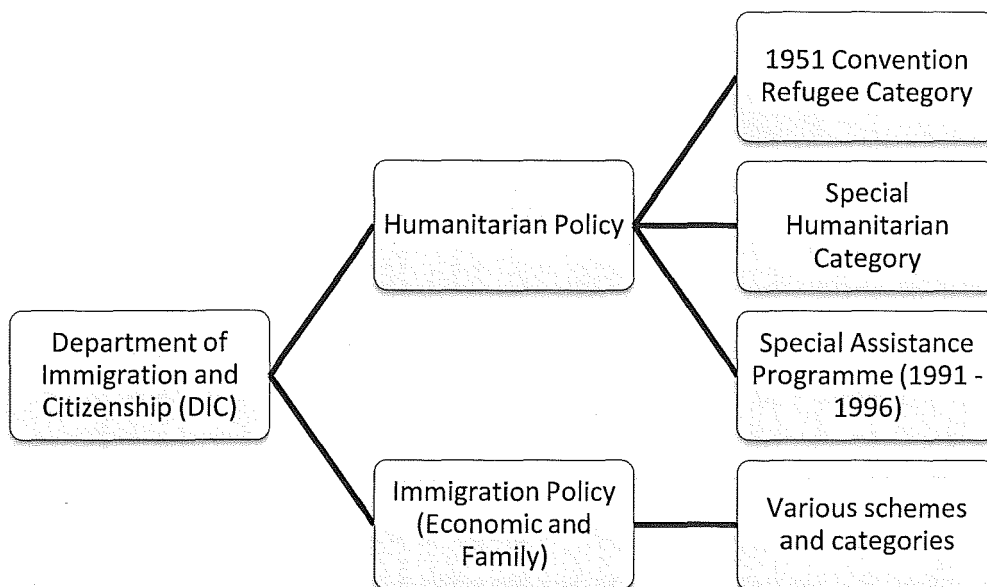
Mandatory detention is authorised by the *Migration Act* 1958 (*Migration Act,* 1958, s.189). Part 2, Division 7, Section 189 outlines the circumstances that permit the detention of unlawful non-citizens who are either, seeking to access the migration zone or, are within the migration zone by an authorised officer. Section 176 states that:

> This Division is enacted because the Parliament considers that it is in the national interest that each non-citizen who is a designated person should be kept in immigration detention until he or she:
>
>   (a) leaves Australia; or
>   (b) is given a visa.

Therefore under the *Migration Act* 1958 unlawful non-citizens (referred to above as designated person) may be detained until their claim has been substantiated or revoked. If substantiated they are to be issued a visa and released into the community. If revoked they are to be deported from Australia as soon as practicable (McMaster, 2002, p. 67).

Figure 1.2 International and Australian Legislation Timeline
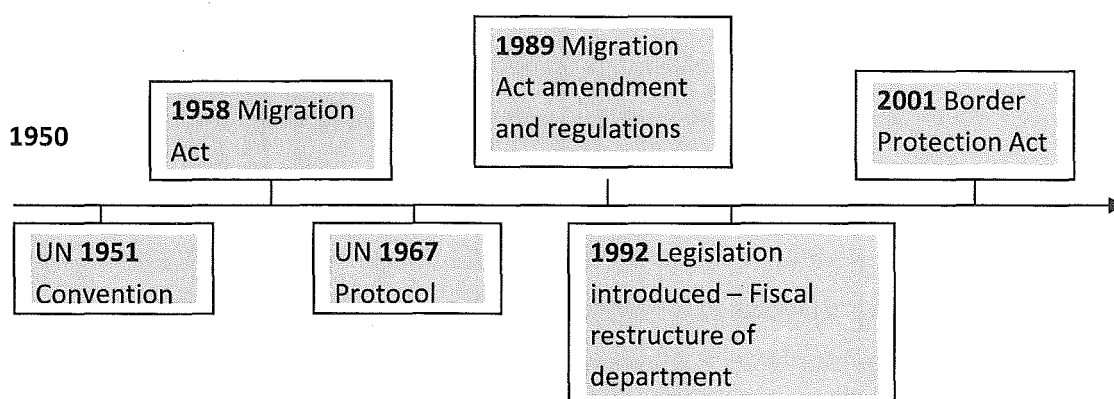
Academic and legislative interpretations are necessary to orientate the reader in light of the author's viewpoint. Newspaper articles, internet blogs and television sound bites all commonly contain these terms; however, at times they are taken out of context within the Australian press.

The current financial downturn (global financial crisis) for the developed world which encompasses huge monetary shortfalls and billions of dollars that are earmarked for the United Nations from donor countries (Australia included) presents a dilemma for current international refugee programs. These financial obligations are required by international organisations such as UNHCR for ongoing coordination of underdeveloped and developing country refugee resettlement plans. This reduction, by contributing countries, in fiscal support will have a detrimental effect on global UN operations. In 2009 alone; twelve humanitarian camps were closed in Zimbabwe (UNHCR: The UN Refugee Agency, 2009).

Secondly, with climate change displacing indigenous people of the pacific rim due to rising sea levels, the desertification of China making vast areas uninhabitable, the enlarging arid areas of Africa (sub Sahara) reducing the bread basket of the world; and subsequently, the continued expediential population growth in the underdeveloped and developing world will undoubtedly have the potential to place more stress on certain developed nations. Historically, Australia, Canada and the United States of America have accepted large numbers of UNHCR humanitarian refugees for permanent resettlement (Phillips, 2009, p. 3).

Furthermore, the Taliban resurgence in Afghanistan, post 2006, and the continuing humanitarian crisis in Darfur linked with the ongoing statelessness of Somalia are continuing to displace and marginalise groups in need of resettlement. As one case example highlights,

contemporary reports show that Iraq has an infancy death rate close to the highest in the world[4] (Global Health Atlas, 2009); also one in every three people of Iraq's population does not have access to clean drinking water (Singer, 2007). If so, due to geographical proximity, refugee flows and asylum seeker surges may well result in external pressure on Australia to accept a greater number of potential political, religious, and economic refugees.

Refugees, asylum seekers and 'persons of concern', a catch all category that encompasses UNHCR designated individuals; continue to grow in numbers annually. Phillips (2009, p. 4) quotes UNHCR statistics in 2009 that demonstrate the expediential growth in displaced people around the globe. In 1951, there was an estimated 1.5 million refugees internationally; in 1980, this figure had grown to 8.2 million. In 2007, UNHCR estimates that there are 11.7 million refugees worldwide. Despite international efforts to mitigate and reduce numbers of 'people of concern', their numbers continue to increase and force 'receiving' countries such as Australia to adapt their policies (Phillips, 2009, p. 4).

The methodology of comparative analysis has been utilised to explore the proposed hypothesis. This method was chosen as it allows the author to compare and contrast both the policy and rhetoric within a closed universe. Various cases, that demonstrate real world examples, are thus able to be juxtaposed from within the given timeframe between 1983, the first year of Hawke's Labor government, until 2007 and the conclusion of Howard's tenure in public office.

This primary system was developed by John Stuart Mill in his study 'A System of Logic (1843)'. Keman (2008, p. 72) paraphrases this concept as 'the basic idea is that the comparing of cases can be used to detect commonalities between cases and variables'. This study will utilise both an assessment of the similarities and discuss the differences found between the parties' under consideration. Both similarities and differences will be considered; this is due to the need to expose the reader to both party convergence and divergence in respect to both policy and rhetoric. So, conclusions will be drawn from observed inferences from both common and different case study outcomes.

To reach a valid and comprehensive conclusion, the 'art of case comparison, which includes what, when and how to compare' will rely on the author's diversity of case selection to draw

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[4] Andrew Buncombe of the UK newspaper, *The Independent* reports that the growth of infant mortality in Iraq over the last decade has been growing at higher rates than sub-Sharan Africa due to the two conflicts and the consequent economic sanctions. Afghanistan has the second highest infant mortality rate in the world (Buncombe, 2007).

reasonable conclusions that can be generally applied across the topic (Keman, 2008, p. 64). To ensure accuracy in comparing selected cases, the author has taken note of external forces that may affect case selection such as; the state of the economy and parochial cultural sensitivity. However; a caveat must be expressed that, due to the extent of the time period under review, some variations in circumstance have been acknowledged, but omitted from this study.

The major results of this study show that there is a continued willingness for party policy convergence in regards to the refugee issue despite the use of rhetoric and spin stating the contrary. Contemporary refugee policy continues to be an issue that is mutually supported by both major Australian political parties.

The strong rhetoric displayed by the Coalition in contrast to the more reduced levels of rhetoric displayed by the ALP has had little effect on the numbers of asylum seekers admitted to Australia as bona fide 1951 Convention Refugees. Furthermore, rhetoric associated with refugee policy is linked with parties' constituents and has popular appeal built into its delivery.

Thirdly, changes that have occurred to policy that have been impacted on by external factors (interest groups, economic climate, foreign/international relations) have been accompanied with larger amounts of rhetoric or political spin. This is, in part, due to the growth of the public relations sector and the management of political messages to the public.

This comparison has also highlighted the tendency for political leaders to moderate their inherent convictions to more pragmatic ideals as their term in office grew. Pragmatism is displayed by both leaders' approaches to refugee policy late in their respective terms. Examples illustrate Max Weber's theory of leadership ethos development (Anson, 1991, p. 64).

Chapter One analyses the history and development of Australian Refugee policy. It traces the development of bipartisan policy and the associated party rhetoric from the period of Australia's acceptance of responsibility in 1954 until Australia's late twentieth century change of government. It highlights and signposts the implicit expressions of Australians attitude towards refugees and assisted immigrants as well as drawing attention to major political turning points in history that have influenced modern policy. Chapter Two analyses the most prominent differences between the major political parties. Howard's strong rhetoric is compared with Hawke's. For example, Howard's rhetoric is focused on border security and national sovereignty and therefore often sidelines the resettlement and humanitarian component of official party policy. Alternatively, Hawke's rhetoric is complex, in that he was seen as sympathetic towards Chinese students in the aftermath of the Tiananmen Square

massacre in 1989 and decisively harsh to what he saw as Cambodian economic refugees in 1991. The comparison of media management and party rhetoric again signifies the convergence of the parties under review. Chapter Three examines the public policy of refugees within immigration policy. Policy is continuing to enjoy bipartisan support. Both major parties ascribe to the continuance of initial mandatory detention for administrative reasons. In addition, refugee intake levels, of approximately ten per cent of the immigration quota, have remained steady under both parties. Off shore processing of refugees is the preferred method of refugee arrival and coincided with state based initiatives that administer and accommodate new arrivals into the community.

Chapter One

Historical Policy and Rhetoric: Towards Refugee Acceptance

Introduction:

Contextualising Australia's historical track record is essential to understanding contemporary policy and party rhetoric. By doing so, we can recognise patterns, commonalities and differences more readily. Some of these issues are reoccurring; they are prominent in both the historical narrative of our refugee policy and the contemporary debate, and therefore warrant specific mention. They include employment, foreign affairs and the mass media.

This chapter examines three distinct periods leading up to the post 1983 acceptance of people-in-need for immigration and humanitarian entry into Australia as defined by numerous academics (Jupp, 2002, pp. 5 – 37; Neumann, 2005, pp. 15 – 42; Lusher, 2007, pp. 9 – 21). Firstly, the era between 1954 and 1966 shows the rubric and attitude associated with the White Australia Policy. Secondly, the epoch between 1966 and 1973 expresses the gradual changes to policy and opinion that followed global change in attitudes towards non-Europeans. Following this period of contestation, an analysis of policy and style takes a critical look at how Australia adapted and transformed its objectives to meet contemporary outlooks, including the process of abolishing the White Australia Policy (1973-1983). The chapter concludes with a brief analysis of Australia's record in relation to refugee advocate groups prior to the main period under review in this thesis (1983 – 2007).

Milieu to Australia's Refugee Strategy: 1901 - 1954

Linklater (2008, p. 544) describes the concept of political community as a group of members that are bound together by loyalty and trust. Common linkage to a shared past and experience, through economic hardship or warfare, is often the core element that provides social and political integration within a community. Linklater also advocates that members of a community prefer to share political power and material resources within their own group, thereby circumventing non-members. In correlation with this concept of political community is the definition of what constitutes identifiable boundaries to a given community. In the current era of the pre-eminence of nation states and nationalism, political communities associate the extent of their responsibilities with national borders. In Australia's case, these are readily identifiable. Although extensive, Australia's borders do not constitute a contiguous landmass with a neighbouring country or political community. Linklater (2008, p. 154) argues that citizens of one political community should extend their moral and ethical responsibility beyond

their nation's borders and share 'duties and obligations towards non-citizens as they do towards their fellow citizens'. This concept can be demonstrated in the Australian context by our accession to both the United Nations 1951 Convention and the United Nations 1967 Protocol Relating to the Status of Refugees (United Nation High Commission for Refugees [UNHCR], n.d.).

The prelude of immigration policy prior to Australia joining the international community's formal acknowledgement of refugees sheds light on the continuity of the White Australia Policy. Parliamentary discussions during the turn of the century over immigration policy concerned a number of issues that resonate in the contemporary public debate. Lawrence (2007, p. 177) quotes Western Australia's premier, Sir John Forrest, during the 1901 debates over the introduction of the bill and subsequent *Immigration Restriction Act* 1901:

> We desire that this country shall not be overrun with races whose sympathies, manners and customs and religion are not ours. There is another reason...There are millions of them, and if we do not place some restrictions on them, they will overrun the country.

This quote raises two perceived threats to the Australian nation. Firstly, the notion of 'otherness', note the use of *us, we, them*. Secondly, the idea of a large amount of foreign people wishing to reside in Australia. The debate focused on immigrants' racial inferiority, their immorality, their non-Christian religious background and fear that the 'other' would not integrate into the existing community[5].

Furthermore, this rhetoric was not accompanied by any official treaties, agreements or provisions recognising the needs of disadvantaged, often disillusioned and desperate displaced persons. With no official recognition and little to no foreign public empathy, migration of repressed individuals was extremely limited. In fact, Neumann (2004, p. 15) highlights the extremely low number of non Anglo Saxon people arriving in Australia within the first three decades after federation (1901-1931). White Australia Policy migrants excluded, Australia only accepted some two thousand Jewish migrants, two thousand White Russian migrants and a little over 23,000 anti-fascist Italian migrants prior to the 1930s mass exodus of Jews from

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[5] Comparatively, The United States of America and Canada displayed correlation with Australia's immigration program. Both illustrated a preference for British and west European migration and eventually widened the intake to include southern and eastern Europeans. Levels of Asian immigration were restricted with conservatives worried about the preserving the existing monocultural English ethos. Public debates also included various levels of social Darwinism during the early twentieth century (See Parkin and Hardcastle, 1993, pp. 42 – 48).

Western Europe. A direct example of the rhetoric expressed above was demonstrated by the Department of Interior in 1938. With official concerns mounting with the number of Jewish applicants requesting visas, the Department of Immigration amended its application forms to specifically denote if applicants were ethnically Jewish. This administrative detail and the aforementioned debates illustrate formal concern over who was entering Australia at this very early stage of our national history.

A Bipartisan White Australia Policy: 1954 - 1966

Although the White Australia Policy was the cornerstone of the Federation's immigration program, other factors shaped and formed Australia's response to Europe's post war refugee crisis in 1947. The core roots of this Australian policy following the Second World War derived from two main factors: sentiment that Australia must grow its population in order to maintain its security, aptly described in 1938 by Governor-General Lord Gowrie as 'populate or perish' (Neumann, 2004, p. 16); and a failure by the government to attract enough Anglo-Celtic immigrants which lead to a widening of ethnic origins allowed entry under immigration programs.

Assisted migration arrangements with Italy, Germany, Greece and Austria were an effective method to achieve the aim of populating to avoid perishing. By expanding their search criteria to include a limited number of Jews and 'Balts' – displaced Europeans from the Baltic states and 'escapees' – Eastern Europeans fleeing the communist wave gained entry to Australia. Australia resettled more than a quarter of a million refugees in the first fifteen years following the Second World War; second only to the USA for this period (Neumann, 2004, p. 43). Two examples of Australia's commitment to resettlement include: accepting anti-communist refugees from the former Hungry, and Czechoslovakian refugees that were fleeing from politico-military action from existing soviet states.

The reformist Hungarian government of Prime Minister Nagi opted to withdraw itself from the Warsaw Pact in November 1956. These actions lead to a Soviet crackdown that quashed the rebellious movement and put a conformist government in command. The resulting exodus of two hundred thousand Hungarians provided Australia with an opportunity to accept anti-communist refugees. The Immigration Minister's response incorporated the resettling of 14,000 Hungarian refugees by 1959. Furthermore, Australia admitted 6,000 Czechs and Slovakians following the aggression of five Warsaw Pact militaries towards Czechoslovakia in 1968. These factors and their examples are derived from political pressure from Australia's existing domestic constituents. This political pressure was demonstrated by the strict

requirements that immigration officials imposed on refugees seeking resettlement in Australia. Neumann (2004, p. 81) suggests that 'non-British settlers were young, educated and healthy, and ideally, possessed certain racial features. Australian selection teams preferred vigorous, flaxen-haired, fair-skinned and blue-eyed young men and women from the Baltic States'. The selectors did not accept southern European and olive-skin people; they also rejected refugees from Yugoslavia, Morocco and Bulgaria, who often had come from the concentration camps of Nazi Germany.

This distinction aptly reflects Australia's contemporary aversion to the admittance of refugees purely on a humanitarian record[6]. New Zealand's Prime Minister at the time, Walter Nash, observed the following: 'the extent to which any country can receive refugees depends on the good will and assistance which the residents of that country are prepared to offer' (Neumann, 2004, p. 39). This quote is in line with the realist theory that implies states rarely, if ever, act simply in terms of human rights considerations (Brown, 2008, p. 514) and is categorised by Jupp (2002, p. 63) as a period of 'nation building through assimilation'. Therefore prior to 1951, Australia's economic interests maintained priority without a viable international treaty to resettle refugees on the basis of humanitarian need.

The White Australia Policy becomes Contested Ground: 1966 – 1973

Australia's first relaxation of the White Australia policy occurred in 1966. That year saw immigration laws changed to allow entry of non-Europeans, and with that the beginning of the end of the policy. Official policy changed due to local anti-racist movements, some international embarrassment, and the economic impracticality of the policy (Vrachnas, 2008, p. 12; Documenting a Democracy, n.d.). Although policy changed slightly to accept a new visa category of 'non-Europeans with special skills' into Australia, strong anti-Asian/African emotion still existed in Australia's formal policy. This point is illustrated by the contrast between Hong Kong's Chinese refugees and British nationals feeling the pressure of decolonisation both in South-East Asia and Africa. Initially Australia dismissed the concept that Chinese refugees were refugees under the protection of the UNHCR mandate[7]. However, a

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[6] Historical evidence demonstrates Australia's prejudicial behaviour in not accepting certain ethnic/religious/political background populations over other more 'suitable' sectors of the international community. The emphasis lies with their 'suitability' and not their basis of 'need' for state protection (Neumann, 2004, p. 51).

[7] Australia had not acceded to the 1967 Protocol Relating to the Status of Refugees until 1973 and as such Chinese refugees were outside Australia's international legal obligations (Neumann, 2004, p. 112).

strong stance that Australia did not support the British colony (Hong Kong) was to be avoided as a self attentive Australia did not wish to draw international attention to its official immigration policy. The active approach applied to British immigrants leaving Kenya, Indonesia and Singapore, although not explicit in its delivery, was to welcome and support them via assisted passage and efficient handling by department officials. An important observation of the rhetoric used in framing official statements and media releases reflects the established contemporary bias. Any referral to applications for refugee status includes their suitability to 'integrate' into Australian society. These factors often included the refugees' ability to speak English, their dress, bearing and appearance, and their religion. Notably, as Neumann (2007, pp. 32 - 50) argues in this rhetoric that officials were basing assessments on the individuals' ability to assimilate into the existing Australian culture and not their political, economic or social situation from their country of origin or of first refuge. The residing under-current began to be swept aside during an Australian Labor Party reshuffle in 1967 that ushered in Gough Whitlam and saw the removal of the 'Old Guard' led by Arthur Calwell. Calwell's attitude was aptly displayed by his infamous quote 'two wong's don't make a white' (Vrachnas, 2008, p. 11).

Understanding why Australia grappled with its relaxation of the White Australia Policy is complex and can be best illustrated through a case example. A key note is that Australia was not at the time beholden to the United Nations 1967 Protocol that removed the time and geographical limitations from the existing international convention (Neumann, 2007, pp. 21 – 29). In February 1969, eight West Papuans made a claim for asylum having reached an island within the Torres Strait of Australia. Recognising that some of these West Papuans were likely to be subjected to political repression due to their advocacy for independence from Indonesia, Australia granted a limited number of five year renewable residency permits rather than forcibly removing them back to Indonesia. However, this particular group of West Papuans were advised to request asylum in Papuan and New Guinea (PNG), at the time administered by Australia but governed from the Parliament in Port Moresby, as the Australian government had other considerations to take into account. These considerations included Indonesia's perception and relationship with Australia if officials decided to grant asylum to members of its community. The prime minister's policy directive was that 'there was to be no trouble with the Indonesians over West Irian' (West Papua) (Neumann, 2007, P. 22). By having the asylum seekers claim for asylum in PNG, Australian officials achieved two objectives; they removed the West Papuans from direct access to the Australian press and in doing so, maintained their positive relationship with Indonesian officials. In addition they did not compromise the existing White Australia Policy. This period of contestation ended with the Federal government

recognising wider boundaries for refugee status by acceding to the UN 1967 Protocol in 1973 (Neumann, 2007, p. 26). Coincidently, Australia granted the territory of PNG self-governance just prior to acceding to the Refugee Protocol. Ministerial rhetoric at this time reflected further tensions within the system. The Minister for External Territories, Charles Barns, expressed the opinion that the West Papuans deportation to West Papua (Indonesia) should be considered as this option would be favourable to Australia's bilateral relationship with Indonesia. However, a member of his own department, Tim Besley, had noted the asylum seekers did not wish to be deported to PNG and therefore should not be forced against their will (likewise they should not be forced to return to Indonesia). This conflict within one government department illustrates the wider divide within the Australian Government (and society) at the time.

Post White Australia: Developing a Refugee Policy 1973 - 1983

The White Australia policy was officially dismantled in 1973 (Vrachnas, 2008, p. 12). The Immigration Minister, Al Grassby, speaking about Australia's immigration policy in Manilla declared in 1973: 'It is dead, give me a shovel and I will bury it' (Tavan, 2004, p. 564). This act coincided with Australia's accession of the 1967 Protocol which acknowledged the removal of geographical and chronological restrictions to the status of refugees implied by the 1951 Convention. The second quarter of 1973 marked a dramatic change in Australia's policy and saw the introduction of a quota system for the intake of refugees[8]. This realignment saw an arguably independent refugee policy that had been hitherto a mere subsidiary of immigration policy. Neumann (2004, p. 111) argues that for the first time international law guided Australian refugee and asylum seeker policy and not a self interested nation building policy that focused on population expansion implemented by a strict selection criteria method. This policy has continued hitherto the present day with recent data from UNHCR confirming Australia's continued support to international supra organisations, such as the United Nations and humanitarian government organisations such as AusAID. Official figures from 2006 show that Australia donated, (US) $13,483,764.00 to UNHCR and resettled a total of 13,400 refugees; the second largest national commitment to resettlement of refugees behind the United States in the international community (United Nations High Commission for Refugees

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[8] Australia's quota system refers to the nation's limit on the number of refugees accepted from all categories. This includes both off and onshore and any special assistance refugees. This limit is flexible and set by ministerial discretion, although historically it has remained at 10 per cent of the overall immigration figure (See Crock & Saul, 2002, pp. 9-12).

[UNHCR], n.d.)[9]. However, Viviani (1980, pp. 28-29) displays a host of factors that determined policy over this mid 1970s period. Firstly, after a change of government federally in 1975, the Coalition still had the difficult task of structuring a policy that balanced domestic criticism and fear of Indochinese refugees in a period of high unemployment with regional government pressure to increase refugee intake. The immigration and ethnic affairs minister, Michael Mackellar, addressed this issue with a bilateral agreement with the United States that increased Australia's intake (quota) to 9,000 alongside a US agreement to increase its intake to 25,000 in 1978/79. This appeasement of Indonesian, Malaysian and Singaporean officials[10] coincided with both a regional tour that aimed at encouraging countries of first asylum to 'hold boats' in order for Australian officials to process 'in country', and strong rhetoric from the Australian government. This took the form of minister Mackellar announcing 'strong action' would be taken and 'long term imprisonment or deportation' could occur against so-called 'queue jumpers'. These remarks were broadcast via Radio Australia to South East Asia as a deterrent to further boat departures as well as to placate domestic public opinion. Furthermore, the immigration minister released a statement on refugee policy. The statement outlined Australia's obligations towards refugees, but also stipulated the established position that the decision to accept refugees must always remain with the government (Viviani, 1980, p. 12). This statement shows firstly Australia's commitment to accept humanitarian refugees in line with its duties as a member of the international community, although retaining its sovereign right to adjust the quota of refugees accepted at any time. This period of policy reform continued under Ian Macphee, (Mackellar's replacement) and included new visa categories that did not specify individual countries (Jupp, 2002, p. 186). Amnesties for visa over stayers, budget increases for educational assistance programs (English language) and a general increase in refugee settlement numbers all pointed towards a more humanitarian outlook for Australia's refugee policy under the Fraser Government (Jupp, 2002, p. 41). These machinations produced a firmer and more codified refugee policy.

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[9] Total numbers of asylum seekers fleeing into Pakistan from Afghanistan far outweigh this figure (hundreds of thousands in border camps are administered by UNHCR). However, these refugees are not being permanently resettled in that country of refuge as it is not a signatory of the UN 1951 Convention (Bell (et al), 2008, p. 142).

[10] Viviani (1980, p. 13) states Malaysia and Thailand, as countries of first asylum, were receiving the majority of the refugee flow from Vietnam. Prior to the increased quota from Australia, these countries were concerned with the rate of permanent resettlement to Australia.

After this distinct period of liberal accommodation of refugees, Geoffrey Blainey's comment[11] reflected what a variety of politicians and judges thought at the time: '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' (Vrachnas, 2008, p. 14). However, in the face of this criticism and in reply to Professor Blainey's attack on multiculturalism in 1984, the Labor Minister for Immigration, Mr West made slight adjustments in refugee policies to cater for the repressive, right wing governments of Central America. Indochinese refugees still dominated policy during 1983 and 1984 with 60 per cent falling into the family reunion category and 25 per cent falling into the humanitarian category (Jupp, 2002, p. 48). This policy adjustment illustrates the Hawke government's commitment to humanitarian and family reunion programs in refugee policy. As general immigration levels declined over this period, special status and humanitarian intake levels remained constant. McMaster (2002, p. 53) points out that the early 1980s reflected a tension between economic rationalists, concerned with meeting Australia's needs for growth and sustained development and those ethnic lobby groups supporting an altruistic approach to Australia's immigration policy. Katherine Betts (quoted in Jupp, 1993, p. 222) argued that immigration policy 'was to be a means, not of meeting Australia's own needs for defence or economic growth, but expressing humanitarian, internationalist and anti-racist values and, in doing so, meeting other peoples needs'. The early 1980s contrasts Australia's elite social groups emphasising the need to be selective and restrictive in immigration policy, due to a period of high unemployment and economic downturn, and official bipartisan government policy reflecting Australia's need to accommodate Asian refugees in line with our international commitments and growing regional embedment. This period is suitably categorised by Jupp (2002, p. 63) as 'welfare resettlement and multiculturalism'. However, this period of general acceptance was replaced with an ever narrower concept of refugee policy by the West. Hanquet (1997, p. 19) argues that the resettlement package that had defined refugee policy for western nations from the 1970s was gradually being replaced with policies of prevention and repatriation during the 1990s.

A reaction to the new government direction was the movement of a more mobilised, religious and non government orientated political action that advocated a desire to reverse restrictive

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[11] History Professor Geoffrey Blainey argued that it was in the national interest that cultural assimilation should be given priority over ethnic groups of a monocultural persuasion (Betts, 1993, pp. 223 – 228).

refugee policies. By the time the Hawke government had won its second election in December 1984, the Federal government had reduced its refugee intake quota from 21,000 to just over 11,000. In addition funding was cut, removing more than half a million dollars from the program (Matheson, 1987, p. 10). Research conducted by the Refugee Council of Australia in 1986 suggested that 'mainly women and children would suffer as a result' of the budgetary cuts to UNHCR. Australian churches and religious agencies shifted their focus during this period from their traditional role of coordinating the resettlement of refugees, which they continued to facilitate, but also mobilised a more political non partisan approach to affect changes to refugee policy (Ferris, 1987, p. 5). The main initiative of these political agitations was to lobby the government on its plans to address the root causes of refugee situations, and for the government to seek 'durable solutions' to mitigate international refugee flows. The same aims and outcomes remain firmly within these lobbyist groups' mission priorities today. The Conference of Religious Leaders Institutes (NSW) refugee lobby kit utilises the advocacy of its members to achieve a more humanitarian role for policy and to additionally educate the Australian population on refugee issues (Conference of Leaders of Religious Institutes, 2007). Indeed the Australian Council of Churches and NGOs such as the Edmund Rice association (Rice, 2007) and the Refugee Council of Australia (The Refugee Council of Australia, 2009) have been staunch critics of bipartisan rhetoric commonly used in the refugee debate.

Conclusion

Throughout the period 1954 – 1983 Australia has, at times, accepted and welcomed refugees escaping persecution and repression. As a collective the nation has at times deterred and sidelined particular refugees that have been deemed as 'illegal' or 'queue jumping' in their efforts to secure a peaceful future. This has been a direct result of government leadership, and this is paramount when dealing with international refugee crisis that develop and in shaping public reception and education of these events. Prime ministers and ministers have shaped policy in accordance with good governance and strong leadership combined with incremental changes in societal values. This leadership is the personification of ideological perspective, although it is occasionally tainted with progressive, forward thinking, breaks from normal traditions and at times a continued endorsement of conservative party policy. Australia has not been alone in its immigration policy development; the nation's agitations have been replicated in other nations touched by British imperial colonialism. Political rhetoric has also had substantial impact on the refugee debate that has often been aligned with appeasing regional powers or local members to mitigate international criticism and placate concerned voters.

Chapter Two

Party Rhetoric in Contrast

Introduction:

Political parties are continually adapting to technological advances and the ever quickening media cycle. This chapter discusses the importance of media management and political spin in modern western society, in particular as it has been used to sell party positioning on refugee policies. The relevance to both the policy cycle and the election cycle is undisputed. Howard and Hawke utilised tough talk to emphasise their position in relation to the admittance of boat people, their stance on detention and their respective positions on visa categories. Their alignment is somewhat startling and effectively illustrates the parties' convergence and continued bipartisan support of refugee policy.

An effective foreshadowing of leadership rhetoric on refugee policy took place in 1977 under the prime ministership of Malcolm Fraser. Due to the fallout from the regions political activism the then ACTU president, Bob Hawke, advocated action that would cease the flow of boats to Australia. He argued that '(a)ny sovereign country has the right to determine how it will exercise its compassion and how it will increase its population' (Errington and van Onselen, 2007, p. 77). The implicit reference to Australia's international obligations under the UN Refugee Convention and Protocol displays how the union leadership is confusing Burnsides distinction between refugee policy and immigration policy[12]; however, as Hawke was calling to stem the flow of anti-communist refugees exiting Vietnam post the conflicts conclusion, he may have been playing a political card and following Whitlam's spin on right-wing refugees. Hawke's quotation also indicates his future tendency for oscillation in immigration and refugee policies (McMaster, 2002, p. 55). Howard's rhetoric at this time is also insightful. Errington and van Onselen (2007, p. 77) note an unconfirmed conversation that the new Coalition minister for business and consumer affairs had with his PM after a cabinet meeting that related to Australia's response to the decades (1970) peak in boat flows of asylum seekers. The relatively new cabinet member asked Fraser, 'You're not going to take too many of these people,...are you?' Howard denies this conversation took place; he has no recollection of this discussion. Malcolm Fraser, however, confirms this conversation did occur in a corridor in May of 1977

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[12] Burnside essentially describes the distinction between refugee policy and immigration policy as the former group is fleeing torture, persecution and death. They seek protection in another nation state under the obligations of that state to abide by international conventions providing refuge. The latter, reflect a nations demographic, economic and social considerations when choosing who to admit to the nation for its continuing economic prosperity and social composition (Burnside, 2007, pp. 252 – 253).

following a cabinet meeting, in an interview with *The Australian* that coincided with the release of the 1977 Cabinet papers (Steketee, 2008). If Errington and van Onselen have recorded an accurate version of this account, one could foresee why the future PM would be conservative in his discussions about boat people and refugees in general. These attitudes also give light to the continued level of refugee admittance to Australia in the period under review.

Politicking in Modernity: Political Messages

Contemporary Australian politics is as much about public relations (PR) as it is about the pursuit of efficient public policy (Errington and Miragliotta, 2007, p. 81). The evolution of a PR state[13], and the subsequent adaptation of politicians to new media, necessitates political spin (Ward, 1995, p. 177). Senior Australian journalist Michelle Grattan describes spin as - 'the highly professional selling of the political message that involves maximum management and manipulation of the media' (Grattan, 1998, p. 34). As Errington and Miragliotta (2007, p. 101) note: politicians and their associated media advisors are in a constant negotiation with the Australian press. The press, referred to as the 'fourth estate' notionally ascribe to the delivery of accurate and unbiased information to the Australian populace. Politicians aim to be represented in the best possible light to their electorates in order to be seen as in touch and connected to their constituents (McNair, 2007, p. 121). These two objectives do not always correlate and therefore an ongoing competition exists. This inherent struggle is supported by an interdependence that both parties rely on each other for traction. The free press provide, via broadcast, online and print media, the greatest coverage of political decisions and new policy to the Australian people (Tiffen, 2006, pp. 101 - 102). Alternatively, the government provides the press with its greatest source of new information for public dissemination and therefore drive its income source of associated advertising for commercial agencies (Howard, 2009). Errington and Miragliotta (2007, p. 82), Grattan (1998, p. 38), Ester (2008, p. 6) and Ward (2002, p. 35) suggest that the equation is not equal, in that the government holds the upper hand in this relationship by its ability to influence how, when and what is reported by the media. Furthermore they raise a concern that explores the political saleability of public policy. They argue that 'news management has became a major preoccupation for the

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[13] Ian Ward expresses that 'public relations undoubtedly has had a substantial impact on the gathering and production of print and broadcast news'. He argues that 'many journalists are readily captured by the official or bureaucratic sources upon which they routinely rely on for information'. Ward advocates this industry evolution is aimed at 'influencing and even dictating' the news that is reported (Ward, 1995, p. 177).

government' and therefore requires 'important considerations' in the development of future policy.

This notion of political saleability reflects the growth of such agencies as Hawke and Keating's NMLS or aNiMaLS, the National Media Liaison Service and the Howard's Government Members' Secretariat (GMS) (Barns, 2005, pp. 9-18). These consecutive elements help to, among other aspects, disseminate relevant political information from the incumbent. Both the ALP and the Coalition deny that they are purely political tools for the wholesale of partisan policy. Retrospective analysis from Barns (a former Liberal staffer) and critical analysis from academic political scientists and commentators, van Onselen and Errington counter weigh this party proposition.

So, the media coverage of political debate has implications for political parties. This chapter highlights how the aforementioned agencies, political leaders and ministers manage and utilise rhetoric in order to gain electoral advantage with their constituents, advance their vision for Australia's future and placate foreign nations. Case study examples will illustrate how similar spin spans the gap of the political divide to extend party longevity. As rhetoric often precedes the enactment of legislation, it is useful to understand why and how elected members advocate certain refugee policies prior to turning our attention to actual policy comparison.

In correlation with formal party media monitoring assets, partisan groups utilise political polling and focus group feedback to 'package' a policy directed at specific strengths or opposition weaknesses. This is a rather Machiavellian world view of politics; however, it does sound out and illustrate why there exists a subtle difference in party policy. This is illustrated in this chapter by again unpacking the rhetoric attached to individual policy decisions on both sides of the political divide. In discussing the rhetoric employed by both parties, it can be demonstrated how these tools are utilised to place their masters in the best possible light. Both parties have expressed tough talk on border control measures whilst in government and opposition, nevertheless eschewing the race debate. Mandatory detention has been and continues to be a required policy, however bipartisan rhetoric has been relatively low key in its substance and use. As noted previously, the greatest divergence can be seen in the placating of constituents through rhetoric associated with habitual party favourites.

Boats, Votes and the Media

The acuteness of the *MV Tampa* issue provides an excellent example of the relationship between media coverage and party rhetoric. John Howard had no doubt as to the power of the

Canberra press gallery. As Errington and van Onselen (2007, pp. 156 - 159) illustrate, the public backlash experienced by Howard after his 1988 remarks as Opposition leader remained firmly embedded in the prime minister's mind.[14] Taking the lead on this issue, as one benefit of incumbency allows, the Coalition framed the debate in terms of border protection rather than facing the scrutiny of elite Australian critics for refusing access to asylum seekers and possible refugees. This hard lined rhetoric encapsulated the government's official response to onshore asylum seekers.

Border protection rhetoric is illustrated by Senator Christopher Ellison in his address to the Senate in August of 2001 during the second reading of the *Border Protection Act* 2001. The Coalition government's position is conceptualised by Senator Ellison statements. In her thesis, Every (2006, p. 168) outlines Senator Ellison's reciprocal use of the notion that the MV Tampa was attempting to enter *'our* territorial waters' and come along side with *'our* territorial land' without consent and even against *our* explicit direction to do so (Hansard, 2001, p. 26970). By utilising the notion of ownership, national territorial ownership, the government spokespeople achieved two outcomes. As mentioned in chapter one, Ellison is now drawing the public's attention to Linklater's (2008, p. 544) theories of identity and nationalism. Ellison reminds the national populace that these people are initially defying Australian sovereignty, which is a nation's right to admit whom it shall and remove those that it wishes in accordance with Australian law, and secondly drawing the nation together by expressing and emphasising our collective commonness (political and social integration) against a perceived or real threat . This framing characterised the position of the Coalition and is distinct from the ALPs associated rhetoric and displays a divergent point between the two parties.

The perpetual and permanent campaign intrinsic to modern day democracies is well noted. As Errington and Miragliotta (2007, p. 101) explain, 'the permanent campaign is the use of the resources of government to promote a political party over the entirety of the parliamentary cycle'. An apt example of this in practice is highlighted by Errington and van Onselen (2007, p. 301) in which a conversation is quoted between MP Jackie Kelly, the minister for Sport and Tourism, and the Prime Minister (PM) in late August 2001. This rhetoric appeals to her constituents or 'Howard battler territory' and a wider demographic so named by Howard as the 'decent conservative mainstream of Australia' (Errington and van Onselen, 2007, p. 304). Minister Kelly speaking to the PM said, 'One Nation is just chewing us up, I've lost two

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[14] As leader of the Opposition, John Howard in 1988 remarked via broadcast radio that the rate of Asian immigration should be reduced in the interests of social harmony (Harris, 1993, p. 27).

branches to them; one of them is my best fundraising branch. We need to do something or I'm a goner.' Howard was on his way to Question Time in the House of Representatives and replied 'Don't worry Jackie, That's all about to change.' A Dorothy Dixon question was posed to the PM by Teresa Gambaro, The Member for Petrie asking, 'There have been reports of a boat foundered in international waters necessitating a rescue at sea. Does this have any implications for Australia?' (Hansard, 2001, p. 30234) The PM replied with an abstemious tone, 'We have indicated to the Captain that permission to land in Australia will not be granted to this vessel'. Howard's intent was designed to reassure the public that his focus was in touch with Australia's sovereignty over other legalities and responsibilities of an international citizen. The angle taken by the Coalition on this matter appealed to MP Kelly's constituents and has been widely noted by academics (Mares, 2002, p. 136).

However, the Coalition's rhetoric and strategies are by no means isolated as a solitary tool utilised for political expediency. The ALP has practised this art with relatively ruthless implementation when external factors bear on the plight of refugees. Foreign policy can have a dramatic effect on the rhetoric used by incumbent governments on certain refugee issues. The ALP Foreign Minister (1988 to 1996), Gareth Evans argued in defence of the Cambodian Peace Plan, supported by Prime Minister Hawke maintained the line that these refugees represented 'economic' refugees and therefore raised the question of validity of Cambodian boat people in 1989 and 1990 (Parkin, 1990, p. 332; Kneebone, 2006, p. 247). Arrivals on Western Australian shores drew attention to the effectiveness of the Cambodian Peace Plan and the subsequent repatriation of refugees to Cambodia. Added to the PM and Minister Evans comments on the validity of boat people as refugees can be Prime Minister Keating's suggestion that East Timorese refugees should go to Portugal (Mares, 2002, p. 30). This was at a time of cordial bilateral relationship between the PM and President Suharto of Indonesia. The Prime Minister, Paul Keating, openly stated on Perth radio: 'Timorese people have Portuguese citizenship, so, they have no refugee status...those people still have Portuguese citizenship status'. These comments, as expressed by Mares (2002, p. 31) are corrosive and damage the public perception of valid and in particular UN convention refugees. Furthermore, the free press must question the motifs of politicians on these comments and should go deeper into related areas that explore other reasons for the political discourse expressed by key members of government. Mares (2002, p. 32) goes as far as stating that publicly attacking refugee validity is an overt political act often designed for positioning the government favourably in light of its foreign policy direction. The examples above illustrate rhetoric that

not only appeases regional foreign nationals' relationship with Australia, but fits within the wider direction that Keating ascribed to for Australia's future – engagement with Asia.

Visa Categories and Ministerial Direction

The ALP response to the Fitzgerald report commissioned in 1987 and submitted in 1988 identifies key issue drivers for its constituents. The report states for part of its recommendations for time frame and program size that, 'there be a program of 150, 000 per annum from 1988/89 to 1990/91...That the composition of the program for the three years...be as follows: i) Category A (Family Immigration) to remain self-determining, but likely to increase to about 40,000; ii) Category B (Refugee/Humanitarian) be increased to 15,000; iii) Category C (Open Category[skilled]) to form the balance of around 95,000'[15]. So, in addition to supporting a relatively moderate increase in the refugee/humanitarian category of 3,000 positions, and a similar increase in the family reunion category, it also calls for a considerable increase in an 'open' category to specifically attract skilled and educated individuals to enhance Australia's economic prospects moving into the twenty-first Century (Fitzgerald, 1988, p. 122) . A consistency in rhetoric between the parties can be noted in both the Prime Ministers and the Immigration Minister's responses soon after the release of this report. McMaster (2002, pp. 55 – 59) draws the example of the arrival of a few hundred Cambodian boat people from 1989 to 1991, in which he notes that Hawke condemned the arrivals as 'queue jumpers and economic refugees'. Prime Minister Hawke declared, 'let no one think that we're just going to stand idly by and allow others, by their autonomies action which reflects perhaps some unhappiness with the circumstances in which they find themselves in their country...to determine our immigration policy'(McMaster, 2002, p. 57). As previously noted, this was not the first time Hawke had criticised refugees for as ACTU national president in 1977 he publically announced that the government should 'Return Bogus Refugees' and stop them from 'Jumping the Queue' (Rodd, 2007, p. 36). This rhetoric was aptly supported by Hawke's Immigration Minister, Gerry Hand, by his statement declaring that 'if these people turned up they would stay confined until they were assessed' (McMaster, 2002, p. 57). Counter assumption or arguments that external forces mitigated the entry of these asylum seekers is relatively weak if not invalid altogether, due to a concomitant admittance of approximately 30,000 Chinese students in 1989 on temporary protection visas by the Hawke government. Brennan (2003, p. 39) supports McMaster's position by quoting the Trade Minister, Neal

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[15] Prior to the publication of Fitzgerald's report, the net immigration level reached 113,540 in 1987. This sum included all three categories; skilled, humanitarian and family (York, 2003, DIMIA).

Blewett's official correspondence in which he stated 'the boat people were going to be treated as illegal immigrants and repatriated'. He further draws attention to the Immigration Ministers Hand and Bolkus openness in parliamentary discussion of the need of deterrence as part of 'rationale for detention'. The essential point drawn from this case example is that of bipartisan support of deterrence policy towards onshore asylum seekers has been repeatedly and explicitly advocated by both the ALP and the Coalition.

Elections, Values and Detention

The mid nineteenth century United Kingdom political philosopher T. Green supported the aspects of modern liberalism; in particular, the tenant of positive freedom (Heywood, 2003, p. 41). Following the work of J. S. Mill, Green saw individuals possessing social responsibilities that emphasised having sympathy for one another, displaying care and empathy for each other and that they were capable of altruism. This notion is supported by the rejection of the classical conception of liberalism that advocates humans are essentially 'self seeking utility maximisers' (Heywood, 2003, p. 59). This optimistic line of thought has been characterised as 'Social-Liberalism'. Given this tenant of modern liberalism, if one ascribes to it, then it is of little wonder that the Coalition chose to define the debate on the terms it did in 2001. The predominant view of the Australian community supported mandatory detention and this was displayed though polling that suggested respondents though the government was too soft in its policy direction (Rodd, 2007, p. 42).

In 1977 and just prior to another Federal election the arrival of 181 Vietnamese refugees aboard the *Song Be* stirred similar anxieties among the Australian press and public. Why was public opinion angled in this direction? The minister for immigration Phillip Ruddock strategically directed the argument of mandatory detention as attacks against people smugglers and the nation's need for strong border protection policies. Ruddock's tone emphasised that the people smugglers were 'well organised, ruthless, greedy and were exploiting Australia's humanity and vulnerability' (Mares, 2002, p. 110). This effectively bypassed any accusations that he or the government could be seen as blaming the asylum seekers for their own plight. The rhetoric used to demonise people smugglers focused and framed the debate that sought not to awaken any Australian public's notion's of Green's Social Liberalism.

The Howard government's strategy was to protect our 'shared values' with strong rhetoric that emphasised border protection and detention of individuals that chose to threaten this notion. In this case, the alternative prime minister and leader of the Opposition, Kim Beazley

supported the Coalitions policy and his rhetoric additionally reminded the Australian public that had been the Australian Labor Party that had initially implemented the policy of mandatory detention in 1992 under a Keating administration (Rodd, 2007, p. 44).

In addition, the prime minister played an important role in the debate surrounding the *MV Tampa* and its human cargo. Howard, when on vacation in Singapore in the 1960s, witnessed race riots. Errington and van Onselen (2007, p. 40) suggest this experience confirmed in Howard a long-established concept that cultures struggled to coexist without assimilation. This may have been in the back of the prime minister's mind with so many boat arrivals of unlawful non-citizens to Australia in 2001 (4100 approximately and the vast majority where from middle eastern decent). However, Howard's support for his immigration minister's stance and rhetoric is more likely due to the appeal this position had to his constituents which was dramatically reflected in national polls in August 2001. This would also explain why the ALP in opposition chose a me-too approach to policy on this topical election issue.

Conclusion

While the majority of party rhetoric exhibits similarity and continuity, there are a few idiosyncrasies that reflect party loyalties. These loyalties reproduce the conception of the main 'perceived' differences in party policy. Initially both leaders, whether in government or opposition, have utilised strong rhetoric when advocating the case for Australia's sovereign rights of determination. Powerful rhetoric has also been applied to Australia's future direction when concerns over changes in economic and social policy dominate the media agenda. A tradition continued from John Forrest's speech over immigration in 1901 to John Howards address to Parliament in 2001 in the wake of *Tampa*. However, leaders words have appealed at times to specific constituents within the electorate that provide a support base for either party. The rhetoric employed has been utilised to position the government of the day in a light that is favourable to re-election and maintaining power. Overall, the media management employed to enhance electoral longevity, through its pragmatic appeal to parochial community values and fears, has not overtly impeded on bipartisan support for Australia's official refugee policy.

Chapter Three

Refugee Policy: Comparing Major Party Responses

Introduction:

The purpose of public policy is to derive an effective method for resolving social conflicts (Lindblom, 1980, p. 11). The refugee issue is a reoccurring social conflict that regularly occupies the policy cycle of contemporary Australian politics. If the issue is cased as a 'problem', boundaries can be identified and objectives defined. This turns the issue into a concern to be solved. This is illustrated when examining the 'Pacific Solution' during the Coalitions term in office: an ongoing commitment to an ongoing problem, a so called 'wicked problem' (Bridgman & Davies, 2004, p. 43). However, public policy is never as simple as implementing a one off solution to a particular issue.

Australia's refugee issue continues to be well supported on the Governments agenda by an array of forces (political, external and internal) that drive public policy. Refugee policy exhibits aspects of political issue drivers from both party platforms, draws continued attention from past and present immigration ministers and carries a great deal of historical weight in party policy. In addition, the refugee issue gains support from external drivers which include; economic forces, such as high levels of unemployment and subsequent welfare dependency within the community, media attention, and international relations with regional governments that incorporate foreign policy concerns. These two drivers are supported by the inherent, if somewhat invisible forces that are contained within government. These include; regular reviews and monitoring of existing policy, budget restrictions and expansions, and monitoring of other nations capabilities of dealing with refugees (Bridgman & Davies, 2004, pp. 35 – 38; see Figure 3.1 below: Refugee policy drivers). Although refugee policy enjoys a large quarter of support across all three policy drivers, political, external and internal, the refugee issue is often found at the front of the queue at Parliamentary Question Time when its political impact is at its greatest; otherwise the issue is often relegated off the agenda for more mainstream economic issues.

Consultation with political elites has demonstrated how policy has been implemented by incremental change and not leaps and bounds. Bridgman & Davis, (2004, p. 47) describe the resource and time constraints on politicians to seek outcomes for items currently listed on the public policy agenda. The relative short attention span notated by the current and ever quickening media cycle places an overburdening emphasis on politicians to achieve positive resolutions, and achieve them quickly. A consequence of the short media and public attention

span is a need to develop and implement policy swiftly. The facilitation of this necessity is displayed by the incremental creep of policy. Critics argue that this form of policy development often shortcuts the process and misses best practice initiatives due to the lack of a rigorous and whole picture approach to policy outcomes through a lack of objectivity (Bridgman & Davies, 2004, p. 48).

This chapter compares three key areas of refugee policy. Government policy dealing with onshore asylum seekers, unlawful entrants and what are commonly termed 'boat people' will be explained, from the ALP's rejection of Cambodian asylum seekers in 1989, to the Coalition's implementation of the 'Pacific Solution' in 2001. Mandatory detention and how this policy has evolved and grown over time will be reviewed, with examples from the period under review used to highlight party policy comparisons. Finally, visa categories and the shifts that have occurred over the years will be looked at to highlight both the successes and failures on both sides of politics.

This chapter is central to the thesis because it aims to specifically highlight the overall similarity in policy approaches across both major political parties. It seeks to display a high level of bipartisan support provided to policy even in direct contrast, at times, to party rhetoric in the media. In addition, this chapter compares examples of policy not only within the Australian political context, but also with international programs, cost benefit analysis and the social and legal impact of ALP and Coalition policy through its collapses and accomplishments.

Australia's Unique Reaction to Boat People

The Howard Coalition government (1996 – 2007) employed policies adhering to economic liberalism and social conservative values (Torrens, 2009). Liberal economic policies are displayed through an emphasis on free trade, privatisation and the efficiency of the capital markets. A higher level of skilled immigration is argued by business lobbyists to drive labour costs down and stimulate economic growth (Kabala, 1992, p. 17). Indeed, the case has been argued by both parties that increased immigration supplements and encourages job growth in Australia (Parkin & Hardcastle, 1994, p. 433). Skilled applicants are subjected to a point scheme, in which education levels, English literacy and capital wealth are weighted to determine suitability for entry under this stream of Australia's immigration target (Fitzgerald, 1988, p. 86).

The Hawke and Keating ALP in comparison with the Howard Government displayed policies of compassionate social wellbeing and the opportunity for equity.[16] Lower immigration levels during periods of high unemployment have been the hallmark response by the ALP due to pressure from within its factions and from peak bodies such as the Australian Council of Trade Unions (ACTU) (Kabala, 1992, p. 11)[17]. This has been coupled with higher levels of family category quotas in times of economic stability and growth. The family category has witnessed a great deal of advocacy and support from the ethnic lobby (peak body - FECCA) of resettled migrants in Australia (Parkin & Hardcastle, 1994, p. 438).

This being the case, the parties' divergence on levels of skilled verses family reunion intake is not replicated in the humanitarian or refugee scheme of immigration policy. As previously stated, both the ALP and the Coalition have maintained a commitment to international refugees since 1973 that approximately resides at ten per cent of the overall annual immigration intake. This figure has fluctuated with the overall intake increases and reductions; however the percentile has remained constant and enjoys unanimous bipartisan support (Parkin & Hardcastle, 1994, p. 440; see Table 3.1 below).

Table 3.1 Overall Immigration / Humanitarian intake Ratio

Year	Overall annual immigration intake	Humanitarian component	Percentage of total
1983	93 010	17 054	18%
1984	68 820	14 769	21%
1985	77 510	14 850	19%
1986	92 590	11 840	13%
1987	113 540	11 101	10%
1988	143 480	11 076	8%
1989	145 320	10 887	7%
1990	121 230	11 948	10%
1991	121 690	7 745	7%
1992	107 391	7 157	7%
1993	76 330	10 393	14%
1994	69 768	11 350	16%
1995	87 428	13 632	15%
1996	99 139	13 824	14%
1997	85 752	9 886	12%

[16] In addition to social equality policies, Keating and Hawke deregulated wages, floated the dollar and reduced tariffs as part of ALP economic policy in the late 1980s and early 1990s (Anson, 1992, p. 151).
[17] This trend is also reflected today in immigration cuts under the Rudd Government's response to the present Global Financial Crisis by Immigration minister Chris Evans (Lunn, 2009).

1998	77 327	8 779	11%
1999	84 143	8 790	10%
2000	92 272	7 267	8%
2001	107 366	7 625	7%
2002	88 900	6 732	8%

Source: York, B (2003). DIMIA, Parliamentary Library, Social Policy Group.

The philosophical differences outlined above have given way recently to partisan support that displays little to no difference in policy. Convergence between the major parties has been articulated as 'Tweedle Dee and Tweedle Dum' by some contemporary political scientists and is expressed in both economic and social policy agendas (Errington and van Onselen, 2007, p. 123). Refugee policy has not escaped this trend.

After Australia's accession to the 1951 Convention, the first major benchmark in refugee policy was the passage of the *Migration Act* 1958 (Cth) which defines Australia's migration zone as:

> *migration zone:* means the area consisting of the States, the Territories, Australian resource installations and Australian sea installations and, to avoid doubt, includes: (a) land that is part of a State or Territory at mean low water; and (b) sea within the limits of both a State or a Territory and a port; and (c) piers, or similar structures, any part of which is connected to such land or to ground under such sea; but does not include sea within the limits of a State or Territory but not in a port.

The *Migration Amendment Act* 2001 specifically removed Australian offshore islands from the legal term 'migration zone' which has implications for asylum seekers wishing to make a claim for refuge. This legislative change effectively provided the Commonwealth with another tool to deal with prospective immigrants without visas. Under the old legislation asylum seekers, most notably 'boat people' would be able to claim asylum and refugee status once land fall was reached on the Pacific and Indian Ocean Islands (specifically Ashmore Reef and Christmas Island). As a result of the 2001 amendments, these islands are now excised from the migration zone and separate from the general laws of the land (Crock & Saul, 2002, p.102; Mares, 2002, p. 167).

The *Migration Amendment Act* 2001 was coupled with a 'deter and deny' policy that was designed to be enforced by the Australian Defence Force and the Department of Immigration and Multicultural Affairs. The Royal Australian Navy was to physically deny suspected illegal entry vessels (SIEV) access to Australian territorial waters by means of refuelling and resupplying, ensuring the sea-worthiness of vessels and if need be towing them back out to sea and pointing them in the direction of Indonesia (Mares, 2002, p. 126).

Another amendment in 2001 to the *Migration Act* 1958 borderlines an infringement of our own pillar of democracy. The fundamental right of the judiciary to review and interpret legislation has been called into question with the circumscribing of refugees rights to have their case for asylum reviewed by the Federal Court in Australia. Maley (2002, p. 8) and Mares (2002, pp. 166 - 169) both articulate that the removal of access to this proceeding further limits refugee rights within the Australian context. This 'privative clause', initially embedded within the 1998 Judicial Review Bill, states that decisions reached by the Refugee Review Tribunal (RRT) 'must not be challenged, appealed against, reviewed, quashed or called in question in any court' (Mares, 2002, p. 162). This legislation may have been put in place to facilitate a quicker and more efficient processing of refugee cases for asylum (automation) which Maley and Mares fail to consider. However, it will lead to a less robust decision making process for refuge applications under the 1951 convention.

The three factors highlighted so far, taken collectively, demonstrates the Howard government's response to an increase in onshore asylum seekers. These legislative, judicial and policy amendments have a common goal; to deter further attempts by asylum seekers to utilise the option of onshore processing. The majority of these amendments have been passed with bipartisan support.

The drivers and concerns of Australia's border security during the Howard government tenure can be seen in realist terms that derive state sovereignty or national security as their principle focus. This of course, is in direct conflict with what Acharya (2008, p. 494) and Maley (2001, p. 351) refer to as human security. The majority of scholarly debate in this field argues from a platform that places increased emphasis on the individual as opposed to the state (Mansbach, 2008, pp. 84 – 85; Spiegel, 2004, p. 38; Baylis, 2008, p. 445).

The Coalition's policy position on border control in 2001 can be demonstrated by a broader analysis of democratic reaction and response to the Al Qaida high-jacking and ensuing asymmetrical warfare (Suter, 2008, p. 85). In an intuitive documentary, Noam Chomsky (Tetsujiro, 2002) offers his analysis of the events of September the eleventh (9/11) and their complications. He advocates that a natural reaction of power systems is to take advantage of such a catastrophic event. Advantage is gained by passing legislation that under normal circumstances would not pass public consensus and subsequently fail to pass through parliament or congress. He also summarises that the 'programs, often harsh and repressive programs', were already in place and the events of (9/11) did 'accelerate and intensify changes that were already underway'. Australia wasn't unique in its response to the events of

September eleven. Changes coexisted worldwide and included the USA PATRIOT Act (Suter, 2008, p. 90), changes to Japan's constitution and Australia's introduction of the *Border Protection Act* 2001. All additional legislation saw further restrictions placed on individual liberties, and it is this fact that has impacted on refugee policy. As Mares (2007, p. 57) states, Coalition policy did not diverge or overturn from past policies, but moreover built on them with federal Opposition support. This body of analysis clearly links the Coalitions policy position to a western hemisphere's response for more robust national security.

Australia's Treatment of Asylum Seekers – Mandatory Detention

The opening of the Port Hedland detention centre in 1990 saw the beginning of Australia's mandatory detention policy for unlawful non citizens entering Australia without any accompanying documentation. This policy was a reactionary event to cover unauthorised arrivals from Cambodia that began arriving on the Western Australian coastline in 1990 (Jupp, 2002, pp. 46 - 47). Labor's instigation of mandatory and irrevocable detention was supported by a range of ALP federal ministers at the time. Brennan (2003, p. 91), quotes a UNHCR executive committee conclusion; conclusion number forty-four states that there are instances that may require authorised detention in which 'people arriving have destroyed all documentation; there are good grounds for holding them in detention until their identities have been established and until health and security matters have been resolved'. Jupp (2003, p. 59) illustrates that the continuance of policy here has left the Coalition with a troubled legacy - a common perception of heartlessness and inhumanness.

The dramatic increase in refugee intake from onshore arrivals has not been met with the benevolence of previous Coalition governments such as the Fraser government. In 1976 and 1980 amnesties were provided for unlawful over stayers; however, this has been the exception to the rule, with no ALP or Coalition governments choosing this path since the Fraser Governments time in power ended in 1983. The expanding level of unlawful non citizens entering the country has required further areas for detaining asylum seekers whilst their claims for refugee status are processed. The Coalition's response before 2002 was to increase the number of detention centres on Australian soil. Therefore, Baxter (2002) and Woomera (1999) were created to deal with the increases in onshore arrivals. The Coalitions continuance of mandatory detention policy now diverges from the ALP on one considerable matter, that of fiscal responsibility and economic rationalism. Keating's reforms within the immigration department stressed economic rationality. The aim during the early 1990s was to generate a new self supportive department. Measures were introduced, such as the outsourcing of

services to other departments, utilising the immigration department's skill sets, that of interpretation and liaison and an airport departure tax, to raise revenue to offset the costs of mandatory detention and deportation. The new processors were expressed legally through two new Acts in 1991 and 1992[18] that captured the notion within the department that 'user pays' is the policy direction now in effect. These measures were backed with fees for English tuition, visa applications and appeal costs. The implementation of the 'Pacific solution' was not a cost effective measure and this policy was in direct contrast to Keating's reform measures. The retrospective legislation introduced in 2001[19] drew an expensive price tag for the Australian public (Brennan, 2003, p. 106).

The fiscal year of 2001 to 2002 saw an increase of 159 million dollars to the department of immigration for the explicit purpose of dealing with onshore unlawful arrivals to Australia. The Coalition in addition saw fit to provide UNHCR and the International Organisation for Migration (IOM) with additional funding to handle the management of offshore asylum seeker cases prior to their arrival in Australia's migration zone (Brennan, 2003, pp. 107 - 108). With further increases in budgetary allocations in the fiscal year 2002 to 2003, up to 240 million Australian dollars, clearly Coalition policy, continued from an ALP government has cost Australian's dearly in its detention of asylum seekers.
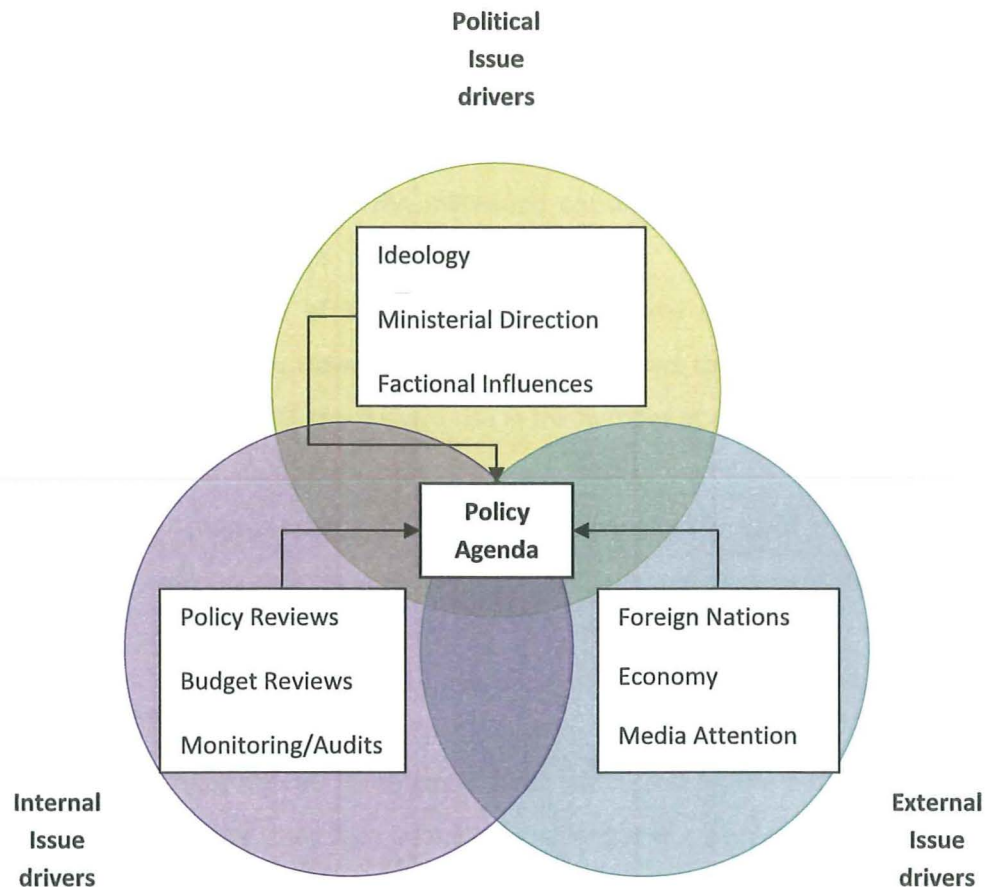
Governments and Oppositions tend not to fight elections on this unfavourable ground. This adverse ground is what Sun Tzu (2003, p. 71) refers to as crossroad ground, 'ground that one should not attack on, either enemy or friendly force should contemplate action in these circumstances'. He advocates that this terrain is one on which neither side has a particular advantage and therefore it is mutually beneficial to avoid confrontation and to form alliances until more favourable terrain can be discovered. Policy agreement is explicitly demonstrated through Australia's actions towards onshore asylum seekers, loosely known as 'boat people'. Under the Hawke administration and his first Immigration Minister, Stewart West, refugee policy was adapted to allow entry to Chilean, Lebanese and El Salvadorian refugees to Australia. This was a result of hardening right wing regimes displacing citizens with opposing political views (Parkin & Hardcastle, 1990, p. 319). Australia adapted it's intake to cater for these minorities and the governing administration enjoyed strong Opposition support on the matter (Parkin & Hardcastle, 1990, p. 320). This opposition support is identified via two

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[18] 1991 and 1992 legislation: *Immigration (Education) Charge Act* 1992; *Migration (Health Services) Charge Act* 1991

[19] 2001 legislation: *Border Protection Act* 2001.

editorial articles (Pensabene, 1990, p. 2; Pensabene, 1993, p. 2) in which the Coalition firmly states its adoption of a bipartisan approach to immigration and refugee policy. In fact the 1990 article is titled 'Immigration no longer divides the parties'.

Figure 3.1 Refugee Policy Drivers

Political
Issue
drivers

Ideology

Ministerial Direction

Factional Influences

**Policy
Agenda**

Policy Reviews

Budget Reviews

Monitoring/Audits

Foreign Nations

Economy

Media Attention

Internal
Issue
drivers

External
Issue
drivers

Under Minister Ray, the Immigration Minister from September 1988 until April 1990, the ALPs policy adapted in line with recommendations from the FitzGerald report published in 1988. Glyde Holding, Ray's predecessor, had commissioned a Committee to advise on Australia's immigration policies within a six month timeframe. Its terms of reference were broad and included; relationships between immigration and the economy, society and cultural development. They explicitly granted the committee the scope to look at Australia's capacity for significant intakes and key population issues (FitzGerald, 1988, p. ix). The main outcome of

this report for policy was to limit the capacity of decision makers to control bureaucratic decisions (automation), this process was to have minimal departmental interference and allowed the department to be less susceptible to external forces and ad hoc effects on short term decisions given the intense lobbying the department was capable of receiving. This revised rule-based system provided categories for immigrants that consisted of family reunion, skilled or humanitarian. The report called for increases across each category, but mainly a large increase in the economic and skilled category. Jupp (2002, p. 48) also draws out that the report was the precursor to a shift rational economic focus away from the more leftist humanist concerns previously adhered too. Jupp sees the realignment of the department over this period as a natural movement with the increasing consensus among public servants and bureaucrats of the time towards economic rationalism.   With 'Economic Rationalism' providing the key catch phase of the reform, one may have expected the humanitarian element to suffer considerably. However, statistical data shows this not to be the case. The consecutive years 1990 and 1991 saw a sharp rise in the number of asylum seeker applications, from 12,128 to 16,743 with Australia accepting these additional numbers from UNHCR (UNHCR Statistical Online population database, 2009). So with a change in focus of immigration policy, refugees and those seeking asylum were not negatively affected under the ALP in the early 1990s.

Australia's Resettlement of Refugees

Once asylum seekers have arrived in Australia, been processed by the authorities and then released into the community, they face additional challenges of resettlement in what is quite often a foreign culture. This policy thus provides a critical area worthy of further analysis in comparison of resettlement of refugees as permanent resettlement is the best possible outcome for asylum seekers. A study conducted in 2002 by James Bell (et al) assessed the most important factors for refugees returning to their original community of displacement are indicative of the nature of concerns for all refugees requiring resettlement. A simple yes - no dichotomy was used for data gathering by questionnaire of the problems of most concern to refugees in acquiring a stable and productive future. Ranked in order of importance (see Table 3.2) these issues or problems consisted of availability of jobs – ranked first with eighty-five per cent of respondents listing this category as a serious problem. Ranked second was a natural progression of availability of money to buy goods – with eighty-two per cent listing this category as a serious problem. Thirdly, sufficient food supply was listed by seventy-five per cent of respondents as a serious problem. Down the list also came issues including; access to medical care, to education, to housing and to clean water supplies (Bell, 2008, p. 144). This

survey, although conducted on Afghani nationals in Pakistan refugee camps in 2002, outlines the main concerns that refugees face when considering resettlement or repatriation to their country of origin.

Table 3.2 Relative Levels of Concern for Refugees Requiring Resettlement

Serial	Rank	Issue	Per cent acknowledging serious problem
1	2nd	Money to buy goods	82%
2	3rd	Sufficient food supply	75%
3	1st	Availability of jobs	85%
4	4th	Access to medical care	45%
5	6th	Access to education	41%
6	5th	Adequate housing	43%
7	7th	Access to water	40%

Source: Bell, J. et al (eds.). Statistical methods for Human Rights. Springer (2008).

An analysis of ALP policy displays a range of reoccurring policy failures (Jupp, 1994, p. 38) that continued under the Coalition, which consequently failed to address these during its tenure in power. Firstly, policy under Hawke and Keating consisted of a tendency to treat refugee resettlement under the same banner as Non English Speaking Background (NESB) migrants that entered Australia under a skilled or family reunion visa. This approach fails to recognise the exposure to torture and trauma by refugees which necessitates further services often required, such as counselling and Post Traumatic Stress Syndrome (PTSS) management. Post the FitzGerald report, policy tended to outsource services in line with new economic management, through the Community Refugee Resettlement Scheme (CRRS) with Christian and Jewish welfare societies, together with state government departments bearing the brunt of resettlement services. Keating's reforms and budgetary cuts instigated a series of developments which included; the closing of reception centres, which previously facilitated information transfer and housing coordination, and excessive waiting periods for adult migrant English learning programs due to teacher shortages coupled with an increase in service demand. Jupp (1994, p. 59) also outlines the under recognised need for translators and mental health services personnel to deal with the trauma that refugees have often encountered on their path to resettlement. The main policy failures identified by Jupp are present and recognised by the survey conducted by James Bell in 2002. These as stated previously consisted of access to employment, or the need to provide an 'affirmative action' plan for

equal opportunity for refugees in employment and education, English speaking courses with interpreters for minority groups with remote dialects, lack of housing and medical resource information.

Furthermore, Jupp (2003, p. 38) states that (although this time in a 2003 survey of ALP policy in opposition) there was a distinct lack of essential services (education, housing, medical and vocation opportunities) supplied by the federal Opposition ministers Simon Crean and Julia Gillard. He proposes that the ALP should support state government initiatives that combine job training and job placement for refugees at the very minimum.

The Coalition's record is also worthy of further investigation for many desperate refugees. Phillips (2009, p. 15) notes that under the Howard administration there was an overt change in policy for potential refugees seeking asylum in Australia. Although recognised, UN Convention refugees were granted asylum, it was only temporary, as opposed to permanent, after new legislation enacted in 2001 by the federal government. Temporary Protection Visas (TPVs) were designed to provide adequate protection to refugees until their country of origin was deemed by Australian authorities as 'safe' to return to. TPVs did provide refugees with access to essential medical and welfare services; however, due to the temporary nature of the visa classification, access to resettlement services such as educational and employment facilities were denied. Similarly, restrictions to travel and family reunion were placed to TPV holders as these aspects were not deemed essential to their safety. The focus of this new policy was to remove the option of permanent resettling of refugees in Australia with the main emphasis now relying on a temporary 'safe haven' for individuals in need of protection. This policy drew large amounts of speculation form critics such as Myra White (2004, pp. 76 – 77), who argue that receiving countries should be focusing on resettlement issues and not border protection as the Howard Government had done. This policy fails to address key issues highlighted in Bell's 2008 survey of Afghani refugees in Pakistan. Continuing on from the unsuccessful ALP policy, refugees are denied access to vocational institutional assistance, educational programs for long term security, and social/economic issues such as buying a home for future family security and stability.[20]

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[20] A note outside the scope of this study: the Rudd government has stopped the policy of issuing TPVs and refugees are now, once assessed on health and character, granted permanency (Evans, 2008, p.2).

To explain how and why the Coalition's policy is flawed, a comparison can be drawn here between temporary migrant workers on 457 category visas and TPV visa holders that is worthy of evaluation. Mares (2009, p. 1) sights the vulnerability of temporary work visa holders due to their dependence on Australian employers to continue their gainful employment within the specific industry. He specifically highlights the failure of current policy to address the vulnerable status of migrant workers seeking permanency in Australia. Mares (2009, p. 3) draws on the American political philosopher Walzer who advocates 'that anything short of permanent immigration is morally unacceptable'. Walzer argues that if citizens of Western nations bring in temporary labour schemes, then they must be willing to enlarge their membership to enable temporary residents' permanency after a period of employment providing constructive input to society. He equates temporary status working migrants with live-in-servants that establish a second class of citizens. On a moral plane, the same argument can be levelled at temporary protection of refugees. Although temporary protection has other facets, such as providing a 'safe haven' in times of international crisis (Kosovo); temporary entrants must have the ability to apply for permanency. This change in policy allows for the reward of financial and psychological investment, both by refugees and 457 migrant worker visa holders, in a future embedded within the Australian community.

Additionally, comparison between Hawke's conciliation and placating of ethnic lobby groups and the resultant electoral success enjoyed by the ALP with Howard's adoption of policies courting disillusioned marginal workers back to the Coalition shows a similarity. Parkin & Hardcastle (1994, p. 438) argue that McAllister points out that the ethnic vote for Labor candidates is disproportionate in the 'Southern European vote'. McAllister (1988, pp. 11 - 15) argues that this vote swang national elections to victory (1983) that otherwise would have been lost. In contrast, the Coalition government's policy direction can be seen in the swing of the lower middle class worker, 'the Aussie Battler' back to the coalition in the 2001 election.

Conclusion:

The surprising extent of bipartisanship support for refugee policy in modern Australian politics is reflected throughout the nation's short accession to international refugee law since 1973. Consensus in policy formulation and execution has been widespread despite divergence in major party support bases and party rhetoric dispersed via the media. A note worthy inconsistency of fiscal irrationality displayed by the Howard administration as opposed to Keating's reforms for a user pay scheme pales in comparison to the list of similarities. This chapter demonstrates support exists across the array of policy issues with the continuance of

ongoing mandatory detention, a steady ten per cent quota for the humanitarian element of immigration policy, and delegation to state and local governments for refugee resettlement services. Even controversial legislation and amendments to existing Acts have been passed through Australia's rigorous parliamentary debate system with bipartisan support (minor parties aside). These included the global trend to strengthen border security procedures and assets under Howard's administration in 2001 and the provisional four year protection visas granted to Chinese students under Hawke in 1989. Collectively, whether failed or successful in its implementation, refugee policy has enjoyed long periods of bipartisanship support between 1983 and 2007.

Conclusion

The gradual increase in the number of people seeking asylum globally in recent years has been met by a similar increase in Australia's overall intake. It is a sign that despite public rhetoric about strong border protection, Australia has looked to meet its international obligations on refugee intakes. Regional push factors including statelessness, poverty, climate change and conflict, all continue to place Australia's refugee policy under significant strain, more so than it has previously been subjected to. Pressure for Australia to admit increasing numbers of bona-fide refugees, from refugee advocate organisations, religious institutions, some academics and journalists, has not always reflected mass public opinion. This situation has put incumbent political parties in a difficult position from which to navigate the best public policy outcome. Political rhetoric has been one method politicians have used to bridge the gap between policy decisions and public attitudes. Government rhetoric, often expressed by the senior leadership of both the major Australian political parties, has often displayed traits that can be drawn from Australia's unique heritage and location. It has been subtly directed at gaining political mileage in backing a policy direction which is subsequently reflected at the ballot box.

Reoccurring events illustrate how similar party responses are when the refugee issue is dragged into the public focus. Hawke's adamant repudiation of Cambodian asylum seekers in 1990/91 as well as Keating's attack on their legitimacy is not that far removed from Howard's symbology and supporting rhetoric of a strong stance on border control. Additionally, the Opposition leader in 2006, Kim Beasley, supported the government's position on border control in his press statements with an additional commitment to increase Australia's border protection with a bolstered coast guard. Recently we have seen the current Prime Minister, Kevin Rudd, sharpen his rhetoric on asylum seekers so as not to lose popularity on the back of some changes to processing conditions following his victory at the 2007 federal election. These examples draw attention to the political price tag of modern day policy delivery. The purpose of this method is to ensure party relevance at the electoral box by placating the party loyalists, whilst acknowledging the opinion of mainstream voting public, to avoid elite criticism and to maintain Australia's international reputation for acceptance of refugees.

Official government policy responses to regional developments have highlighted party strategy similarities. The response has been largely symmetrical. As an example of the affects that external influences have on refugee policy, the ALPs negotiation for the repatriation of Cambodian asylum seekers voiding the Cambodian Peace Plan highlights the government's focus on furthering its relations with ASEAN member states. Similarly, the Howard

administration's refusal to admit West Irian asylum seekers in 2006, due to Indonesian concerns incorporating its autonomy, is a showcase for the priority of foreign relations over and above humanitarian refugee policy outcomes.

Further to external considerations, political aspects of policy warrant attention. The political fallout of unfavourable policy has the potential to unseat a government, especially in key marginal electorates. The federal incumbents' willingness to adhere to sound political decisions that maintain electoral viability is extremely similar. Howard's adoption of rhetoric that emphasised border control over humanitarian acceptance placated large sections of Australia's mainstream constituents. Coincidently, Hawke and Keating's placating of their union constituents saw overall quotas of refugees and immigration generally decline during Labor's period in power from 1983-1996 (although the relative margin still remained at ten per cent), in particular during tougher economic periods in Australia. Both examples highlight how politically astute leaders choose to adopt pragmatic refugee policies.

Ultimately, the fiscal considerations of refugee policy are the most divergent between the parties. The largest divergence in policy is demonstrated by Keating's initiative for fiscal responsibility by individual government departments that adopted a 'user pays' system in contrast to Howard's all expenses paid off shore processing solution to increased levels of asylum seekers. This former policy digression is currently being eroded by the ALPs newly announced strategy in 2009, whereby it has been reported and coincidently not denied by the prime minister that Australia is compensating Indonesia financially for the processing of asylum seekers bound for Australia shores.

The key results of this study have extrapolated three main outcomes. The current state of knowledge of the Coalition's refugee policy broadly reflected in academic literature and the media is at odds with the author's contention that Australian political parties are highly parallel in their refugee policy agenda. These policies are a kin in several ways such as; sustained levels of offshore refugee admittance through UNHCR processing facilities, mandatory detention for administration proposes and federal displacement of settlement services to state and local government areas of responsibility. Party rhetoric is also comparable and analogous. Case studies have displayed similar notions attached to partisan rhetoric that ring true for both ideological sides. It has been demonstrated that it is the audience that this rhetoric seeks to capture and inform that is of the most divergence. Prime ministerial leadership under both governments chose a pragmatic and realist approach to the delivery of refugee policy and its wholesale deliverance through related expression.

Continuity and divergence for the current administration, and how it adapts to the ever increasing number of refugees seeking assistance around the globe, will provide major challenges into the future. The change of federal government in November of 2007 has enabled the Coalition's policies to be considered in full in contrast to the Hawke/ Keating policies that concluded with Labor's tenure in 1996. At the height of public debate around asylum seekers and refugee treatment during the period from 1983 until 2007, government policy robustly enjoyed bipartisan support in 2001. Party policy agreement on this political issue predominantly escapes ideological differences and substitutes pragmatic policy for any convictional tendencies held by the immigration minister and their leaders. The continuance of bipartisanship demonstrated by parliamentarians under Hawke's decision to grant temporary visas to Chinese students in 1989 and Howard's stewardship of the *MV Tampa* incident in 2001 are reminders of Sun Tzu's analogy. The Rudd Labor Government has continued the ten per cent quota for refugees as part of their immigration policy, utilised Christmas Island detention centre for refugee processing and mandatory detention, but additionally continues to down play any adverse rhetoric of too many asylum seekers landing on Australian territory to claim for refugee status. A further comparative study of the current administration may seek to add additional weight to the argument that Australian political parties are bipartisan in their approach towards refugee policy. One could conclude that this trend is continued as the major political parties contend for the same 'middle ground'.

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