British migrants, criminality and deportation: shaping the Australian post-war approach

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Abstract

The British preference of Australian immigration policy was challenged by the demands of a rapidly expanding post-war program overseen by the newly-established Department of Immigration. An essential function of the Department was the screening of prospective migrants against criteria shaped by national population policy preferences. This paper examines Australia's post-war immigration security screening policies in domestic and international contexts. It compares the immigration department's approaches to immigrating British subjects with their approaches to those from other national and ethnic backgrounds. We explain how assumptions about the free passage of British subjects across empire could persist until the 1970s despite revelations that Australian authorities were powerless to stop those with serious criminal histories gaining entry to the country. These revelations about risky British migrants exposed the limits of Australian control over entry and exclusion, while illuminating the emerging frameworks of post-war border controls.

Keywords

immigration; deportation; security; policing; criminality; Australia; Britain

[MAIN TEXT]

Post-war migration of displaced peoples and those seeking a new life in other states was a historical event of enormous significance for settler states like Australia, New Zealand, Canada and the United States. It was equally so for some countries of origin, for whom the mass migration was a loss of human capital. In the case of Britain and its dominions, this loss was compensated by the vision of a strengthening British world that might preserve British power in a world dominated by new empires, both American and Soviet. Imperial migration was a policy embraced by a British government which financed assisted passage to Australia. Anxieties about loss of manpower and expertise as well as cost were set aside, since the British government 'did not regard a person who goes to the Commonwealth as a loss in any sense'.¹

Mass population movement in the wake of war was also an opportunity to forge new styles of administration of migration that drew on the momentum of post-war reconstruction.² An emerging welfare state spoke to the desire of a population damaged by war to grasp a new life. Migration expanded the pool of labour available for renewed economic growth and of course added to the demand that accelerated post-war growth.³ Managing population movements of unprecedented size and origin was a task embraced by the Australian Labor government in 1945 through the creation of a new Department of Immigration.⁴ The challenges facing it were enormous – not only in the management of the large populations once they entered Australia but in the processing and vetting of intending migrants before they left (mainly European) shores. As this article will show, the limits of the immigration department's control over who would enter Australia were exposed by their preference for British migrants.

Much of this story is well known, especially as the history of the ‘White Australia Policy’. The post-war erosion of that policy by demographic and geo-political realities culminated in 1973 with the formal abandonment of a discriminatory policy in the enactment of the *Australian Citizenship Act* by the Whitlam Labor government.⁵ Migration however was not only a story of welcome, but also of its obverse: exclusion and deportation. The exclusionary character of migration policy has received much attention, especially with respect to its racial dimension.⁶ But the inflection of immigration policy and administration with judgments (other than racial) about the character and standing of the prospective or arrived migrant has received less scholarly attention. Studies that have considered these immigration criteria have generally focused on the political and security dimensions of border control in the Cold War.⁷ Yet criteria of exclusion on racial or political grounds by no means exhausted the preferences of government in managing immigration policy. From the late nineteenth century, and especially in the post-war era of assisted migration, prospective migrants had to cross a variety of thresholds including age, marital status, income, health and criminality as they sought access to a desired destination.⁸ Securing the effectiveness of these thresholds was in large part the rationale for the design and administration of immigration processing, and its associated politics.

In this article we propose to explore how the government of post-war immigration refined techniques for the mass surveillance of migrant criminality, in a context of continuing difficulties over effective control of borders to prevent immigration of those with dubious pasts. Such refinement of technique represents an important step in the development of contemporary immigration controls. We examine deportation as a common mode of

dealing with migrants who committed crimes after they entered Australia. We show also that this capacity to exclude the unwanted was exercised along a spectrum of governmental practices, internal and external—through mechanisms of policing (including the new intelligence agencies), through surveillance of the immigrant population, and through inter-governmental relations, an area of risk and tension for Australia's relations with Britain, its major source of migrants. In spite of the considerable capacity of government to monitor and exclude the criminal migrant, we also show that this power was used relatively infrequently, mostly because migrants proved generally less criminal than the host population. How the government came to know this, in spite of the populist media's vigorous prosecution of pejorative views of migrant criminality, is also part of this story.

Crime and deportation

The criminality of migrants is an empirical question: are migrants more likely to commit criminal offences, or to be arrested, or to be prosecuted, or to be sentenced to imprisonment than the citizens of the host population? Migrant criminality also is a question of representation, especially of media discourse: what was the role of newspapers and other media in shaping fears or anxieties about migrant crime? Sometimes, the criminality of migrants is a question of government. In the 1950s, as Australia absorbed (relative to its population) enormous numbers of new migrants, the criminality of migrants was all three of these things.

In Sydney's Darlinghurst on Friday 24 May 1957 a Maltese migrant, Carmelo Spiteri, shot dead a boarding house keeper, and wounded that man's wife and a detective, before

being killed himself by a police bullet. Early police reports suggested that Spiteri had been involved in a dispute over his lodgings at the boarding house. Spiteri had arrived in 1950 as a non-assisted immigrant, on a Maltese passport that entitled him to enter any British Commonwealth country. As a full fare, unassisted passenger, 'in common with other British subjects', Spiteri was not subject at the time of entry to health or character checks of the kind required of assisted migrants. This open policy had changed in 1952, when 'full-fare paying migrants embarking from Malta' had been brought into the character and health check regime.⁹

Minister for Immigration, Athol Townley, described these facts in a press release the Sunday after Spiteri's crime. Newspaper reports of the Spiteri shooting had revived debate about immigration department controls. Townley would have none of it, telling the media that 'the present Federal Government had improved and intensified screening methods of migrants since it came into office to ensure that Australia was protected against the entry of persons with unsatisfactory character or health records.' He went on to declare confidently: 'Today the Australian screening system [is] among the strictest in the world'.¹⁰

How did the government know this, and was it right? Behind the scenes the minister and his department were scrambling to identify the gaps in the migrant screening program. Townley's rapid press release belied the anxiety that was evident when he wrote a few weeks later to his department head: 'If the migrants keep killing each other at the rate of the last couple of weeks you and I will be out of work before you get back.'¹¹ The minister's facetious remark barely disguised the political risks of Australian immigration policy and practice. Crime stories were a staple of the popular press. Some sections of the

media made migrant stories into particularly threatening or scandalous scenarios that had the potential to unsettle government's adherence to the post-war policies of migrant 'assimilation' and mass immigration.

Behind Townley's bravado about the Australian screening system lay another story, one that complicated the familiar pattern of post-war anxiety over the DPs (displaced persons) and Refos (refugees), Balts and Slavs and other demons of Australian immigration politics. For at this very time the head of the Department of Immigration, Tasman Heyes, was in London to attempt to persuade the British government to co-operate on the vetting of migrants. The screening of migrants, something which had developed co-operatively between Australia and many countries in Europe, had stumbled in Britain. Townley's letter to Heyes in June 1957 stressed the importance of this work since the media in Australia had discovered a succession of cases in which *British* migrants deported after criminal convictions, had returned surreptitiously to Australia, only to continue their habits.

One such 'horror story', as Townley suggested to Heyes, was that of Dennis Tomsett. On 10 June 1957 Tomsett was sentenced to eight years imprisonment in Perth, Western Australia (WA), on multiple sex offence charges, and thereby became subject to deportation.¹² This was not his first such conviction, nor his first deportation. Tomsett was a British migrant, born in the London suburb of Richmond in 1924. After service in the British army during the war, in 1945 Tomsett was convicted of indecent exposure and given a good behaviour bond. Four years later he was again convicted, this time for indecent assault on a female, bound over and placed on probation on condition that he enter a mental hospital. Later the same year he was again convicted in an English court

for the more serious offence of indecent assault on an eight-year-old girl. This time he was sent to prison for eighteen months. At the conclusion of this sentence he boarded the migrant ship 'New Australia', arriving in Sydney on 19 March 1951, under the name Dennis Victor Tomsett. Within a year he was charged in Wollongong, south of Sydney, with indecent assault on a female under sixteen years, and two counts of indecent assault on a male. Convicted of all three charges, he was sentenced to three years hard labour, with medical treatment recommended. Four months later he was released on licence, only to be deported a week later on board the same vessel that had brought him to Australia. Remarkably, after less than a year out of the country he was back again in July 1954, this time disembarking at Fremantle, WA, but under the slightly altered name of Dennis Gordon Tomsett. He had been sponsored for this entry by a West Australian and given a character reference from an English school teacher who said he had known Tomsett for ten years. Later it was learned that in the interim Tomsett had been convicted in South Africa of a further sexual offence and deported from there; and even that he had earlier been deported from Rhodesia in 1946 after being arrested for indecent dealing with a boy.¹³

None of his previous convictions, deportations or treatments in hospital or prison made a difference to Tomsett. On 10 June 1957 he appeared in the Perth Children's Court, one of two Australian jurisdictions that tried serious offences against children in such a court. This time he was charged with numerous sexual offences against children, including two counts of indecent dealing and eleven of aggravated assault. Tomsett was convicted on all charges and sentenced to a total of eight years imprisonment. Although the Children's Court was closed, and immigration officials had attempted to control news of the case,

the matter was almost immediately elevated into a national scandal. This was Townley's 'horror story': a series of events that exposed the vulnerabilities of a migrant vetting system at both ends of the migration passage.¹⁴ One of the most embarrassing aspects of the Tomsett case for the federal government was that not only had he re-entered Australia unnoticed just months after his deportation, but that he had done so with the help of the government's assisted passage scheme.

Two days after Tomsett's conviction the Australian immigration minister announced that he would be deported after he had served his sentence. The minister's announcement was a precipitate declaration since procedural rules under the relevant legislation required the minister to consider the merits of a case—the surprised communication of a police officer responsible for the case suggests that this was a departure from the convention under which police and immigration authorities would prepare a brief for the minister to consider.¹⁵ Only a few weeks following his earlier statements of reassurance about the screening of Australian immigrants, Townley was embarrassed into new declarations. The department had 'procedures which normally prevent re-entry of people previously deported and of persons with criminal records'. The safeguards were said to include a Visa Warning List, a list identifying unwanted aliens that was circulated to overseas immigration posts and to port officers in Australia. On the list were the names of foreign migrants with criminal records whose re-entry would be barred. In the case of prospective British migrants, a different list was maintained at Australia House in London for undesirable persons. This time Townley's statement to the press contained no reassuring statements about Australia's world-leading vetting systems. Instead he conceded how flimsy were the barriers to those who wanted to circumvent them. Tomsett had been able

to hoodwink the port authorities by ‘changing his Christian name and address’ and falsely declaring that he had never previously been outside the United Kingdom. He had also had a character reference from the English school teacher and sponsorship from a Western Australian nominator. The minister was fortunate that the name of the nominator, one Mr Smoothey, reportedly a Perth accountant, was kept out of the press.¹⁶

In spite of their different national origins the cases of Carmelo Spiteri and Dennis Tomsett were joined by their notoriety, their criminality and their status as British subjects. The crisis of Australian immigration controls in the middle of 1957, the crisis which had brought the head of the immigration department to London, was one about a different kind of threat to Australian security than that imagined by a popular press: a crisis of the errant British migrant. After years of surveillance of ‘New Australians’ of non-English speaking background, the Australian government was brought to look squarely at the management of Australian relations with the British authorities, the same ones who had been showing for a number of years how indifferent they were to recognising Australian preferences in immigration processing.

Immigration and national security

The Australian post-war immigration program was designed to advance economic development while maintaining a balanced demographic mix. Preference continued to be given to British subjects (of European race, as the policy proposed) at the same time as the reality of Australian population needs forced an expansion of the range of people allowed into the country. Post-war political realities also drove this change—including the urgency of finding homes for displaced persons from the European war; and the reality of addressing the desire of US ex-servicemen to enter Australia where they had

spent much of the war and where many had struck up enduring liaisons with Australian women.

The newly created Department of Immigration was responsible for managing these changes. As one of its principal historians has noted, immigration was overseen by a public servant, Tasman Heyes, with a highly-centralised style, and conscious of the crucial role immigration was playing in the service of the nation.¹⁷ Policy was shaped pragmatically over time, responding to the needs of the moment, as much in the area that concerns this article (screening and border control) as in any other. Policy was also subject to debate in the Immigration Advisory Council, a body appointed by government and including some influential professional and politically experienced advisors. The department grew rapidly, to at least 5,000 employees by 1949, to service a program that admitted under the assisted passage scheme more than 850,000 people from 1947 to 1960. Conscious of the potential public backlash to mass immigration, the department, was careful to design policy purporting to ‘assimilate’ incoming migrants to the cultural and social values of the host country.

Post-war immigration also advanced through another politically challenging change – the emerging Cold War. The national importance of the Immigration Department can be seen in the weight that Heyes (1946-61), and his successor Peter Heydon (1961-70) exercised in bureaucratic tussles with the Director-General of Security, and in the readiness of their ministers to respect the broad aims of a policy that was much concerned with maintaining an open door to Britain as well as assimilating large cohorts of non-British European migrants.¹⁸ A large part of the department’s business focused on managing the entry into Australia of the right kind of person. Prior to the creation of the immigration department,

Australian police had been primarily responsible for the monitoring and screening of migrants. These agencies protested relinquishing their powers to the immigration department, arguing there were security risks in doing so and advocating comprehensive fingerprinting programmes for incoming 'aliens'.¹⁹ The 1957 ministerial and bureaucratic angst provoked by publicity over migrant crime can be best understood against the background of a screening program which was concerned to stop the entry of potential burdens on society (those too unhealthy or too old) or politically suspect, especially, but not only, communist. These concerns were evident in the earlier development of policy on vetting of British migrants.

The focus of vetting was on security risks, within the remit of the security service, the Australian Security Intelligence Organisation (ASIO), established only in 1949. In 1952 there was a prolonged debate over the scope of security vetting of British immigrants suspected to be communist or otherwise politically questionable. Charles Spry, the Director-General of ASIO, pressed for much closer vetting of intending immigrants, whether assisted or paying their own way. The immigration department was more concerned that government-funded passage should not be given to suspect persons, and had intelligence liaison in place with the UK Security Service (MI5) to manage this. Against the background of ASIO pressure to broaden the immigration department's vetting procedures, a proposal on such lines was put to the Immigration Advisory Council, which largely rejected it.²⁰

There was a strong feeling within government to avoid restrictions on travel of British passport-holders within the British Commonwealth. As Heyes put it in a minute for the immigration minister in May 1952: 'very serious political implications are involved in

refusing the entry of a British subject of European descent, who is in good health and has no criminal conviction, solely because he is regarded as a potential security risk'. The minister, Harold Holt, agreed: 'my own general view is that we should not place restrictions on the entry of U.K. citizens'.²¹ There was also no evident desire on the British side to establish a general monitoring of prospective emigrants, indeed much more evidence of reluctance. MI5 kept the Australian Chief Migration Officer in London advised of the political status of suspected communists. But in all the debates of this period over the status of undesirable immigrants, the question of controls over those with criminal records was absent.²²

The lack of attention to vetting for criminal convictions appears largely a result of the enormous cost that would be involved in any general program of police checks, as became clear in British resistance to involving their police in Australia's immigration program. Consequently, with MI5 contributing to a rather soft vetting program conducted through Australia House, there was a focus on political subversion, especially in respect of select occupations, while leaving other categories of undesirable immigrants coming from Britain out of the picture. United States ex-servicemen wishing to take advantage of the Allied Ex-Services Subsidised Passage Scheme had to provide a 'satisfactory police report as to ... character', but British ex-servicemen (like Tomsett), while having their war-service records checked, had only to provide character references from two responsible persons.²³

It can be seen that at the heart of the migrant vetting program was a conflict over who posed what kind of threat to Australian interests. Understandably, given the remit of the security organisation, ASIO was focused on its own priority of political subversives,

predominantly communist in the context of the burgeoning Cold War.²⁴ But the tension between cultural legacy, with a preference for maintaining a British community free to travel where it wanted, and the political context of a global Cold War, was resolved largely in the interests of maintaining a resilient immigration program. So when the Immigration Advisory Council met to hear Spry at its Adelaide meeting in June 1952, it concluded nonetheless that it would be ‘impracticable to attempt to restrict the free movement of British subjects’.²⁵ Spry contrasted what he regarded as a ‘very effective security screening system’ operating throughout Europe with the complete absence of screening of migrants coming from the United Kingdom. This appeared to be hyperbole; since 1949 there had certainly been regular monitoring of prospective UK migrants to Australia operating in liaison with MI5, at least in respect of *assisted* migrants. The prospect of a general screening of all intending migrants was seen as unpalatable; Spry’s proposal to put two of his people into London to assist the process was rejected.

These discussions highlighted the focus on a circumscribed definition of security, embodied above all in the figure of the communist. Attention to the character of intending migrants more broadly was rarely mentioned. But it was uppermost in the mind of one person on the Immigration Advisory Council, W J Dovey. In the course of Spry’s appearance at the Adelaide meeting, it was Dovey who raised a different question, namely ‘the positive identification of the criminal element who might wish to migrate to Australia’. Spry’s reply that ‘character checking of migrants would form part and parcel of the work of the organisation’ was evasive more than reassuring.²⁶ For Dovey, the question raised was one he had been appointed to ask.

The criminal migrant: the Dovey Committee Reports

Between 1951 and 1957 three Commonwealth committees, in effect sub-committees of the Commonwealth Immigration Advisory Council, and commonly known as the Dovey Committees, were tasked with investigating the links between crime and migration in Australia.²⁷ Their work was impressive in its scope and consistent in its conclusions: migrants committed less crime than did Australians. The committees were headed on all three occasions by Dovey, a leading Sydney barrister, much experienced in immigration matters. He had been a member of the war-time Aliens Classification and Advisory Committee (1941-45) and since then had served on the Commonwealth Immigration Advisory Council. Dovey's service on the Council (1945-65) and as chair of the second and third committees was not interrupted by his appointment in 1953 as a judge of the NSW Supreme Court.²⁸

In appointing the committee in October 1951, the Australian immigration minister, Harold Holt, acted to stem a torrent of political invective building up in NSW over the character of immigrants. NSW was the State which had received most migrants under the post-war program. It had a lively tabloid press, eagerly reporting any egregious crimes committed by those with non-English names. It also had in its Labor government a noisy opponent of the conservative Liberal-Country Party federal government.

In September and December 1951 the NSW Labor Attorney-General Clarrie Martin made inflammatory assertions about the rate of criminal offending among immigrants. His September comments were prompted by a parliamentary question about recent murders in NSW. His claim that the Australian government was failing to screen European migrants to prevent criminals entering the country was quickly dismissed by the immigration minister. Holt pointed to the government's record of deporting migrants

convicted of serious offences. But with newspapers continuing to report crimes committed by migrants, the government announced within a month the formation of the first Dovey Committee.²⁹ Its reference was to inquire into the general standard of conduct of post-war migrants as well as 'the incidence of serious crime amongst non-British migrants' and whether the incidence of crime could be attributed to any particular section of the community. In its first findings, published in 1952, the Dovey Committee made clear that negative comments on the rate of criminal offending of immigrants were out of line; in fact, they asserted that making such comments was damaging to the long-term success of assimilation.³⁰

In spite of Holt's announcement, the NSW attorney-general pressed on with his own inquiries, aided and abetted by many in the press. He demanded from the police a report on all offences committed by 'aliens' in the previous 12 months, sorted by nationality and offence type, and from his department any press cuttings to make up a file that he would table. In parliament on 11 December he told the Legislative Assembly that 'not one day passes in New South Wales without a New Australian being convicted of some major or minor crime'. Not only was the number high, he said, but the 'nature of many of the offences [was] appalling'. Judges had commented on murders of a 'foul and savage character', Martin reported. And 'amongst the list of offences', he told the NSW parliament, were 'those of rape and homosexuality, of stabbings and hysterical violence. In one case a man forced his wife into the street as a prostitute in order to live on her wretched earnings'. His list of 350 crimes committed by 'New Australians', without any mention of those committed by Australians, or indeed by British migrant arrivals, had an immediate impact. Even the generally conservative *Sydney Morning Herald* editorialised

that there were 'Too Many Thugs amongst Migrants'.³¹ Gender-based violence featured prominently in Martin's statements about the threat that immigrants posed to public safety. His image of hysterical ethnic violence, highlighting sexual crime and the controlling behaviour of immigrant men, as well as the threat of knife-wielding assailants, tapped into existing local stereotypes of European immigrants.

Martin spoke of his duty as attorney-general to protect the people and keep the King's peace in a State 'where British justice was first implanted'. Not surprising then was the absence of any reference in his comments to the evidence already available that British migrants appeared to be no more peaceable than the aliens who demanded his attention. Just six weeks earlier Holt had told the Australian parliament that 137 immigrants convicted of criminal offences had been issued with deportation orders since May 1948, 78 of them under his own administration. Of these 82 had been British immigrants, i.e. just over 60%, almost exactly the proportion of British in the total immigrant population since 1945. The matter was briefly noticed, with Sydney's *Daily Telegraph* headlining the report 'British at top of list'—but no sign of its implications can be observed in Martin's speech-making or ministerial correspondence.³² In Holt's appointment of the Dovey Committee we can observe the sway exercised by a populist politics agitating the case for immigration controls over those whose linguistic and cultural difference made them the more suspect, whatever the hard evidence might say and the desire of the federal government to defend the integrity of the immigration program.

Against this background, we can see the significance of the unasked question at the heart of Australian immigration screening in the 1950s. Apart from Spry's expressed anxiety over the threat of communist migrant, throughout the considerations of the successive

Dovey committees right up to 1957 nobody seriously considered what risk might lie in the weakness of controls as they operated in Australia's largest stream of new migrants, that flowing from Britain. The presumption of free movement between Australia and Britain that underlay the political and cultural preferences of Australian political and bureaucratic elites was replicated in the emergent monitoring of migrant criminality.

The Dovey committee reports rested on provision of information about criminal prosecutions of migrants in all Australian courts in the 1950s. Collection of this information had already commenced well before the appointment of the committee, but inconsistently between the different States. From the late 1940s immigration officers in the various States and Territories prepared regular reports on those alien migrants registered under the *Immigration Act* who appeared in court on criminal charges. This program was facilitated by police forces that were long experienced in the registration of aliens and the tracking of their movements. Indeed in 1949 the annual conference of the heads of Australian and New Zealand police forces discussed at length the immigration department's direction to their State-based officers to liaise with local police to collate these reports, copies of which were forwarded to head office. There was also a benign element to this liaison between police and immigration authorities in the need for consular staff to be advised of the arrest of people who were still their citizens.³³

The establishment of the Dovey committee late in 1951 accelerated this tracking program. Inquiries conducted by the committee and the immigration department clarified the inconsistencies between police and immigration offices in the various States. In 1953 the department required that all its State offices adopt a common system of data collection relating to alien convictions only (not charges) for serious offences.³⁴ This new

policy effectively excluded British migrants whose details had been originally collected in some States. The conviction data would be collected on a dual card system, with a pink card attached to the original and transferred inter-State when a registered alien moved.³⁵ The result was a system of surveillance of a particular offending population that had not been seen in Australia since the convict days. It was this system that enabled the Dovey committee to track statistically the degree of offending within particular populations, applying a methodology well in advance of the otherwise primitive state of Australian criminal justice statistics.

The relative sophistication of the statistical analysis provided by the Dovey committee in its successive reports relied on collaboration between the immigration department, the State police forces and the Commonwealth Bureau of Census and Statistics. The presumption of the entire debate about migration and criminality as one focused on the non-British population of Australia was highlighted in the very methodology that developed in this statistical program. In successive years from 1953 to 1957 the Bureau of Census and Statistics processed a large volume of coded information detailing, case-by-case, across nearly 20 variables relating to the criminal convictions of persons classified as alien migrants. The coding sheets which were entered on machine-readable cards included a field for recording nationality. The coding index makes it clear that the focus of the analysis was on the nationalities of non-British European immigrants as well as any other non-British immigrants. Included in a single code, “00”, were those whose birthplace was recorded as Australia *or* who were classified as British subjects from the United Kingdom or its colonial dependencies including for example Fiji and Ceylon.

We can see from this background detail about the migrant monitoring program, as we might call it, why we find no mention in the Dovey committee reports of the possible criminality of the British-born migrant population. This failure was exposed by the sudden eruption of concern over the criminality of some British migrants in 1957. The solitary reference to the possibility of British migrant criminality in the Dovey committee reports was a mention of their exclusion from consideration, since ‘offences by British migrants are not recorded by police officials separately from those of the population generally in the majority of States’.³⁶ This fudged the matter altogether—committee personnel visiting Queensland in January 1952 had in fact been provided with data (as in Table 1) on the number of offences by British as well as non-British migrants. But no such data was collated for any of the Dovey reports.

[insert TABLE 1]

In the absence of any attention to the standards and behaviour of British migrants, the comparisons examined by Dovey were those of ‘registered alien migrants’, as a whole and to a degree regionally (East European, Southern European and so on), with a general Australian population. Dovey marshalled strong statistical evidence to demonstrate that general Australian crime rates were greatly in excess of those of migrants. In 1952 this was put bluntly—the general Australian crime rate was at least 50% higher than the migrant crime rate.³⁷ The committee did not leave the matter there. In a level of scrutiny unusual in such governmental reports at the time, the matter of alien migrant crime was examined at jurisdiction level, for major and minor courts, for sub-categories (though not at the level of particular nationalities) and for types of offence.

[insert TABLE 2]

The picture of lower migrant crime rates was not entirely clear. Among the migrant population there were relatively higher rates of prosecution for offences against the person, including sexual offences, than for other crime; two jurisdictions (Queensland and the Northern Territory), where the masculinity ratio of the migrant population was especially high, also saw higher relative crime rates among these groups. But overall the picture was especially comforting for immigration advocates. The evidence was particularly compelling, argued one report after another, because the migrant population tended to be young and male, i.e. to be characteristically the group more at risk of criminal offending. The case for the relatively law-abiding migrant community gathered strength from evidence that a change in migration populations during the 1950s from the war-troubled category of displaced persons to large-scale migration from northern and southern Europe, corresponded with even lower crime rates. More than once the Dovey Committee highlighted the very low crime rate among Italian and Greek migrants.³⁸ Sociological lessons were drawn in exploring these intra-group differences, with much emphasis on the significance of the presence of earlier migration cohorts, and of family and community relatedness in diminishing the risk of criminal activity.

The Dovey committee prosecuted its lessons vigorously. Each report included a lengthy appendix detailing the methodology, and then the extended analysis made possible by the number-crunching of the case data gathered by State police departments and forwarded to the local immigration department officers. Without naming the NSW Attorney-General directly, the first report was scathing in its dismissal of his 1951 claim that 'not a day passed' without a crime being committed by a New Australian. Dovey showed that there had been in fact since the war a general decline in Australian crime rates; and that in

1946, before the start of the post-war immigration program, at least 44 crimes per day were being committed by the general Australian population.³⁹ The committee was predictably upbeat about the demonstrated capacity of Australian communities to absorb a large number of new migrants, with much reference to the work of Good Neighbour Councils and other community associations, as well as generally well-disposed police, content employers and welcoming schools. Only in the last report was a note of caution struck, after an American criminologist, Paul Tappan, had warned of the risk of the first generation of migrants being prone to delinquency. In response an Australian criminologist, Norval Morris, emphasised the need for research but was inclined to think that the American experience of migrant delinquents was less likely to be replicated in Australia.⁴⁰ Not surprisingly, the committee dismissed the populist press, which it regarded (with justification) as having played a mischievous role in publicising migrant crimes without paying attention to context or comparison.

In its lack of attention to the question of British migrant behaviour and experience in Australia, the Dovey Committee nevertheless squandered an opportunity to remind the community of the full range of the Australian post-war migration scheme. This absence also left political leaders and the bureaucracy without necessary advice when the 1957 crime and deportation furore broke. 'No restriction was placed on the scope and nature of the Committee's inquiries' the first Report declared in 1952. The restriction that was in place was in fact an expression of the committee's own presumptions which were also those of the Australian community and its political elites in the 1950s. Australia had an expanding migration program but it was still a British colony into which British subjects 'of European background' might enter freely, without the scrutiny applied to others. The

decision not to investigate the British migrant also spoke to the political interests at play in instituting the Dovey Committee in the first place. The reports provided evidence to back up the government's claims of the success of immigration against sections of the public, press, and State administrations that were sceptical of its value to the country.

The impotent system

In 1968, two years after he succeeded in persuading his minister to liberalize Australia's immigration policy, immigration department Secretary Peter Heydon was driven to exasperation as he contemplated the realities of Australia's difficulty in monitoring the entry of British migrants.⁴¹ Sixteen years after Harold Holt had declared an open door to migrants from the United Kingdom, and more than a decade after Minister Townley had been embarrassed by the Tomsett fiasco, Heydon was considering the latest advice on a case involving a British migrant with a lengthy prior criminal record. Patrick Christopher Dwyer had been sentenced to eight years gaol in Australia for assault and rape. The immigration department was forced to acknowledge that Dwyer's criminal record dating back to 1946 had not been picked up earlier, since he was among the 80% of British migrants who were not checked with the Criminal Records Office in London before their migration to Australia. Asked by Canberra whether more stringent measures might be put in place, such as production by an intending migrant of a birth certificate, the Chief Migration Officer in London warned of the ease with which a dishonest applicant might obtain a false certificate. 'This latter observation', he continued, 'is relevant to the question you asked whether, if Dwyer is sent back to Britain as a deportee, it would be possible for him to again come to Australia under another name and as an assisted migrant. I am afraid that the answer to both these questions is "yes"'. Heydon's cryptic

comment on this correspondence summed up the frustration of nearly two decades in Canberra's management of the UK migration stream: 'our impotence is distressing'.⁴²

The impotent system was the product of a number of factors working together, some of Australia's making, some of Britain's. And in truth the system was not quite impotent. The lesson of the successive Dovey committee reports was that migrant crime was less than that prevailing in the Australian community. This was however no comfort politically when serious crime involved migrants whose credentials had not been checked at all. And the measures that were attempted over the years to prevent such an outcome highlighted the continuing tensions in managing an immigration flow of unprecedented volume. The tensions were above all a symptom of Australia's continuing self-imagination as a British society, with all the privileges that this status delivered to intending British migrants.

The impotence itself, the inability to control entry and re-entry of undesirable people was a product of the overlapping factors of politics, administrative process and bureaucratic parsimony, the latter expressed in resistance to the demanding work of surveillance and investigation. As Heydon repeatedly reminded his ministers, its bedrock was Holt's declaration in 1952: 'my own general view is that we should not place restrictions on the entry of U.K. citizens'. This annotation on a departmental minute had become government policy. It justified the admission, even against ASIO desires, of British communist migrants throughout the Cold War years, though not of their being granted government assisted passage. In fact, the only British migrant applicant denied entry on security grounds between 1952 and 1966 was the fascist sympathiser Terence Robson.⁴³

This presumption of a right of free passage of British migrants wishing to settle in

Australia underlay the weakness of immigration controls in stopping the undesired entry of those with criminal histories.

Policy at this meta-level is not by itself sufficient to explain the barriers to effective screening. The *Immigration Act* required applicants to satisfy health and character tests; for assisted migrants the post-war program required sponsorship including notification of intended employment and accommodation on arrival. The Tomsett case in 1957 demonstrated at the highest levels how easily these requirements might be circumvented. In the matter that concerns us here, that of character and criminality, the desired controls were rendered nugatory by administrative shortcomings, by resistance of the United Kingdom police authorities to facilitate a high level of scrutiny of intending applicants, and even, as we have seen earlier, by Australian immigration department opposition to ASIO intruding too far into its administrative domain in the UK.

The processing of hundreds of thousands of post-war immigrants necessarily exposed the limits of administration and communication. Our age of big data, e-Passports, online applications and machine processing can scarcely recall the enormous manual labour involved in managing populations on the basis of handwritten cards and typewritten reports, with all search inquiries having to be processed through visual inspection of written indexes and their corresponding files. A simple reminder – asked in January 1952 to prepare a report on the characteristics of serious offenders since 1939 for the Dovey Committee’s research, the Queensland police told the committee that this would involve an inspection of about 30,000 files and might take up to two months work.⁴⁴ Such a system was remarkably able to track individuals, but was largely dependent on the integrity of the information provided by applicant migrants. Tomsett had managed to

obtain re-entry, even as an assisted migrant, after being deported less than a year before, by the simple device of changing his middle name, and by landing at a different port (Fremantle) to his original entry (Sydney). Hence an immigration officer's hapless concession in 1968 that the department could stop the attempted re-entry of a deported Patrick Christopher Dwyer 'provided only that he used that name'.⁴⁵

The second factor contributing to the lapses in border control was the general reluctance of the United Kingdom government and its authorities to engage in anything like the comprehensive vetting of prospective immigrants that was desired by Australia and that was standard practice by agreement with other European countries. Successive heads of the immigration department advised their ministers that the United Kingdom opposed the kind of screening that the Australian authorities had established in bilateral agreements with European states. Screening in Europe was regarded with considerable satisfaction, especially by contrast with that available in the United Kingdom. 'It is not generally understood', wrote Heyes to the new immigration minister A R Downer in 1958, 'that of all the countries from which we obtain migrants, the United Kingdom is the only one where the authorities are not prepared to cooperate in carrying out a character check in every case.'⁴⁶ The British had agreed to check some categories of applicant, including school teachers, applicants for public service positions and security establishments (such as the Woomera Rocket Range)⁴⁷ Otherwise Australia had to be content with the piecemeal arrangements established through the office of the Chief Migration Officer, based in Australia House on The Strand. These relied essentially on advice by *British* agencies of any applicants around whom there were security concerns. MI5 appears to have been a reliable informant, but its interests were limited to those suspected of political subversion,

chiefly communists and their sympathisers. Inquiries about the criminal records of individual applicants had to be initiated by Australia House, and the responsiveness of the UK police authorities was variable. Behaviour deemed a security risk was confined to potential threats to national security rather than illegal, violent, or criminal propensities that fell under the realm of regular policing.

Even if the idea of comprehensive police checks on emigrant applicants been acceptable to the British, the scale of required inquiries would have been daunting. Some idea of the administrative burden emerged in 1958, at a time when the Tomsett affair was evidently still fresh in the mind of the immigration department. In order to boost the number of British migrants, the Australian government in 1958 had broadened its assisted passage scheme to cover single applicants, and married couples without children. This prompted a decision to seek a higher level of character checking since, as Heyes outlined,

there are very strong reasons why single applicants should be closely screened. Crime statistics of all countries of the world show that the incidence of crime amongst single people is very much higher than amongst those who are married... We must also face the fact that the assisted passage scheme will attract the attention of a number of convicted persons who see the opportunity of making a fresh start in a country where their unfavourable record is not known. Past experience has confirmed that the degree of risk involved is very real where single migrants are concerned.

The Australian government subsequently secured British agreement for un-nominated applicants under the expanded scheme to have their records checked through Scotland Yard. With applications lodged at Australia House running up to 700-800 a month 'the

average number of cases referred to Scotland Yard has increased from 46 to 500 per month'. Not surprisingly, Heyes told the minister, there was now a backlog of over 1000 cases waiting clearance because Scotland Yard was unable to complete the work faster. Australia had even offered, without success, to meet the cost of employing extra staff. The minister's response was to ask whether ASIO might supply '2 or 3 officers in England to supplement our investigating efforts'.⁴⁸ This was not likely to be palatable to Heyes, who had clearly opposed such an idea in 1952, nor perhaps by this time to ASIO, which was focused on security vetting more than chasing criminals. The minister endorsed Heyes' proposal to get the Chief Migration Officer to use his discretion on which cases to refer to Scotland Yard.

Heyes had learned of the depth of British resistance to Australian vetting demands during his 1957 visit to London, at the very time of the Tomsett affair. In spite of Australia's repeated request (back to at least September 1950) for British agreement to a program of checking the records of *all* applicants for unassisted passage, the opposition of the British government was 'unrelenting'. A formal British reply to Australia's request spoke of the need to respect 'the tradition of liberality and freedom from police supervision which is the common inheritance of the British peoples'. The Home Office also pointed to the risk that the consequence of an adverse character report arising from police checks would expose police and government to 'damaging public criticism'.⁴⁹ Australia was left with a patch-work of measures which included qualified British commitment to check select cases referred by Australia House on security or character grounds, a system which in turn depended on back-channel liaison and information obtained on an 'old boy basis'.⁵⁰

In truth the problem of undesirable persons entering the country was both exaggerated and one of Australia's own making. The application process for assisted passage did not require prospective migrants who were British subjects 'to disclose any records of criminal or police conviction'. Heyes learned from the Canadian and New Zealand authorities that they did include such a question and claimed a high rate of compliance. Identity procedures were also elementary – there was no requirement to produce a birth certificate or passport. The majority of migrants from Britain arrived with a certificate of identity alone. And in any case, as Heyes and numerous other immigration officials repeatedly conceded, no imaginable procedure 'was likely to be 100% effective'.⁵¹

What was the contribution of the Australian system to this imperfect world that allowed undesirable characters to enter the country at will, even if by subterfuge, and after having earlier been deported? We have already seen that tensions at the heart of the immigration system had led to prompt dismissal of ASIO's interest in taking a much more pro-active role in vetting British applicants for Australia's migration program. Those tensions found expression in the projection of Australia as an attractive destination, indeed its projection as a preferred destination for British emigrants.⁵² Australia wanted more migrants, and it wanted them most of all to be British subjects 'of European origin'. But it also wanted the migrant cohort whatever its composition to be free of those who would be a danger to the Australian community, as well as free from disease or becoming an economic burden (for example police checks in Britain were requested of applicants with a record of unemployment⁵³). These expectations drove the intensive but inevitably incomplete program of vetting migrant applicants.

But the program was incomplete also for another reason. Australian government policy to keep an open door for the British meant that the focus of immigration department activity was more on the prevention of government sponsorship under the assisted passage scheme of undesirable characters: the government did not want to be blamed for funding their entry. If a British migrant wanted to pay their own way, then only the most egregious evidence of undesirability could stop their passage. The extent to which the British preference held sway was evident above all in the area of security vetting, which saw only British fascist Terence Robson stopped from entering the country for migrant settlement, while numerous communist activists and suspects were allowed entry, being British.

Conclusion

Having been embarrassed by the revelations of Dennis Tomsett's repeated evasion of Australia's border controls, the Australian immigration minister in 1957 was nevertheless forced to face the contradictory impulses at the heart of Australian immigration policy. Tomsett's re-entry to Australia after an earlier deportation for a serious criminal conviction demonstrated the administrative fragility of immigration controls when faced by an applicant determined to evade them. But his capacity to succeed in that evasion was facilitated by his British origins. For even in the course of the profound shift taking place in Australia's immigration program in the post-war period there remained a preference for British migrants as Australian settlers. This preference limited the readiness of Australian authorities to impede British subjects of the United Kingdom from free entry into Australia. Harold Holt's 1952 declaration of a personal preference in favour of free entry of British migrants was quickly cemented into a policy declaration within the

immigration department. Australia had only itself to blame when intending migrants of dubious character like Dennis Tomsett set out not only to evade immigration control but even to obtain Australian government assistance for their passage.⁵⁴

The question raised for the Australian government by the Tomsett case in 1957 was one that had been asked a number of times in the preceding years. The Australian desire to ensure a high quality immigrant population through comprehensive vetting of intending migrants was confronted by the continuing resistance of British authorities to any kind of bilateral agreement including a screening program of the kind that was adopted with numerous other European countries during the 1950s. Tomsett's conviction in Perth in June 1957 coincided with a visit to London by the head of the immigration department, specifically to address the British attitude to Australia's stated needs for immigration screening. The response of the Home Office proved less than helpful. High-minded appeals to British values of liberty and free movement barely disguised the more likely grounds for British resistance to Australian requests, namely the administrative burden that would be placed on the police authorities if they were to be asked to provide a character check for every one of the tens of thousands of intending applicants under Australia's assisted passage scheme.

The episode tells us about a particular moment in the passage from the British preference embedded in the 'White Australia' policy to the non-discriminatory program that was adopted in 1973. But its highlighting of imminent anxieties about migrant criminals is also instructive against the background of another kind of narrative of the 1950s. For the Tomsett case represented more of an outlier than an exemplar of migrant criminality as a source of anxiety in Australian politics. As we have seen here, the Australian

immigration program placed such a great emphasis on the continuity of a cohesive society that it explored in obsessive detail the criminal record of one part of the migrant population, the non-British part – and found it much better than that denounced by a populist press. The peculiar history of the Dovey Committee, its avoidance of consideration of the possible distinctive record of the British migrant population, may be explained by the British preference embedded in Australian immigration policy, and replicated in decisions made about collection of crime statistics for the committee's consideration. The avoidance of the study of British migrants also reflects the constitution of the committee as an antidote to popular sentiment against European immigrants. So the behavior and record of individuals like Tomsett had escaped such scrutiny in both record keeping and press publicity. His re-emergence in 1957 reminded politicians and administrators of the risks that might lie in any part of the population.

Contemporary politics, policy and research focus our attention on the intersections of crime, border control and immigration management.⁵⁵ These intersections are nevertheless very long standing. Immigration powers have always been exercised as police powers; the surveillance of immigrant populations, at least of those rendered suspect by their dissimilarity from preferred settler categories, has been a characteristic of the government of migration. So too have law and the politics of inter-governmental relations shaped the possibilities of immigration management. In the history of deportation of convicted prisoners we do not see a practice noteworthy for its incidence but a story that illuminates the frameworks that undergird the structure of immigration itself.

Persons charged	1949	1950	1951	Total persons	Total convictions	Ratio of number of convictions to persons charged
British	113	33	56	202	381	1.9
Non-British	30	37	56	123	167	1.4

Table 1: Migrants charged in Queensland 1949 to 1951⁵⁶

	1953		1954	
	Number of Convictions	Rate per 1,000 males	Number of Convictions	Rate per 1,000 males
Australian Population	38,854	12.3	39,705	12.51
Northern European	243	6.62	220	5.00
Eastern European	778	8.38	800	8.52
Southern European	147	2.38	167	2.52
Other	3	0.52	13	2.17

Table 2: Male Convictions, Various Nationalities, Both Higher and Lower Courts, Dovey Report, 1957.⁵⁷

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Endnotes

¹ Commonwealth Relations Office Secretary Patrick Gordon-Walker in 1950 cited in Paul, *Whitewashing Britain*, 61. See also Paul, "Communities of Britishness: Migration

in the Last Gasp of Empire”; Richards, *Destination Australia*; Appleyard, *British Emigration to Australia*; Ward, *Australia and the British Embrace*, 25-26.

² Macintyre, *Australia’s Boldest Experiment*; Lowe, *Menzies and the “Great World Struggle” : Australia’s Cold War 1948-1954..*

³ Tavan, *The Long, Slow Death of White Australia*.

⁴ Ibid., 42–3.

⁵ Tavan, *The Long, Slow Death of White Australia*; Brawley, *The White Peril*; Richards, *Destination Australia*; Richards, “Migrations: The Career of British White Australia”; Markus, *Australian Race Relations 1788-1993*.

⁶ Neumann, *Refuge Australia*; Neumann, *Across the Seas*; Neumann and Tavan, *Does History Matter?*; Nicholls, *Deported: A History of Forced Departures from Australia*.

⁷ Deery, “‘Dear Mr. Brown’: Migrants, Security and the Cold War”; Horner, *The Spy Catchers. Volume I*; Aarons, *War Criminals Welcome: Australia, a Sanctuary for Fugitive War Criminals since 1945*; Day, *Contraband & Controversy*.

⁸ Jordens, *Alien to Citizen*, 194-196.

⁹ ‘Press statement by the Minister for Immigration, the Hon. Athol Townley (released in Sydney on May 26, 1957),’ Security screening - British migrants - rejection - individual cases, National Archives of Australia (NAA) A6980, S250341

¹⁰ ‘Press statement by the Minister for Immigration, the Hon. Athol Townley (released in Sydney on May 26, 1957),’ Security screening - British migrants - rejection - individual cases, NAA A6980, S250341.

¹¹ Athol Townley (Minister) to T H E Heyes (Immigration Department Secretary), 21 June 1957, Secretary's report on the overseas security and criminal screening of migrants - September 1957, NAA A6980 (A6980T1), S250245

¹² Under the provisions of s. 8A(1) of the *Immigration Act* since 1920 the Minister had power to initiate deportation of a person not born in Australia who had 'been convicted in Australia of a criminal offence punishable by imprisonment for one year or longer'. For the general history of Australian deportation see Nicholls, *Deported: A History of Forced Departures from Australia*. For the complicated saga of the relationship between Australian citizenship and British subject-hood Dutton, *One of Us? : A Century of Australian Citizenship.*; for the legal history of criminal deportation see Crock and Berg, *Immigration, Refugees and Forced Migration*; Grewcock, "Reinventing 'the Stain': Bad Character and Criminal Deportation in Contemporary Australia."

¹³ For details of the criminal history see 'Tomsett Dennis Gordon [aka Denis Victor Tomsett] [Nationality: British]', NAA PP168/1, W1957/10113; *Western Australia Police Gazette*, 11 Sep 1957 (Battye Library, WA); *Illawarra Daily Mercury* 26 Feb 1952: 6 and 1 Mar 1952: 7. *West Australian*, 11 June 1957: 3.

¹⁴ 'Another Migrant Scandal: Deported But They Let Him Return', *Truth* (Sydney), 16 June 1957: 5.

¹⁵ File note (at fol. 94), Officer in Charge Records Dept of Immigration 5 Jul 1957: this file note includes internal departmental correspondence – 'Do you think we require Police Report in this case?' to which the reply is first given 'No – Minister has already stated to the press he will deport this man', reply deleted and replaced by 'Discussed with

[illegible] who said normal procedure to follow'. NAA, 'TOMSETT Denis Gordon [aka Denis Victor TOMSETT][Nationality: British]', PP168/1, W1957/10113.

¹⁶ 'Press statement by the Minister for Immigration', 12 Jun 1957, NAA PP168/1, W1957/10113.

¹⁷ Tavan, *The Long, Slow Death of White Australia*; Markus, "Heyes, Sir Tasman Hudson Eastwood (1896 - 1980)."

¹⁸ For the tension between immigration and security priorities seen from ASIO's perspective: Horner, *The Spy Catchers. Volume I*, chap. 11.

¹⁹ Mark Finnane, "Controlling the 'alien' in Mid-Twentieth Century Australia: The Origins and Fate of a Policing Role," *Policing and Society* 19, no. 4 (2009): 455–61.

²⁰ Security screening British migrants - Policy - Part 1, NAA A6980, S250772. This file preserves at length the correspondence between ASIO and the Department of Immigration over vetting of British migrants.

²¹ [emphasis in original] Memorandum from T H E Heyes to the Minister for Immigration, 6 May 1952, Security screening British migrants - Policy - Part 1, NAA A6980, S250772.

²² Vetting war criminals was another matter altogether. The immigration department was reluctant to introduce a blanket ban on 'enemy' migrants after the war. In the mid-1950s, ASIO introduced criteria to judge whether an immigrant should be excluded based on an assessment of whether they had a senior position during the war. Dutton, *One of Us? : A Century of Australian Citizenship*, 139–40. For the vexed history of admission of war criminals: Aarons, *War Criminals Welcome: Australia, a Sanctuary for Fugitive War Criminals since 1945*; Horner, *The Spy Catchers. Volume I*, 272–80.

²³ ‘Security screening of persons seeking admission to Australia under the Commonwealth Government's migration schemes, [prepared by RE Armstrong, June 1949?]', Security screening British migrants - Policy - Part 1, NAA A6980, S250772

²⁴ For political subversion seen as covering more than communist or left-wing subversives see eg Horner, *The Spy Catchers. Volume I*, 270. As discussed later in this article the only British resident ever denied an immigration visa appears to have been a neo-fascist sympathiser in 1966.

²⁵ Heyes to Minister for Immigration, 24 Jun 1952, Security screening British migrants - Policy - Part 1, NAA A6980, S250772

²⁶ ‘Immigration Advisory Council Meeting - 6th June, 1952. British Subjects from United Kingdom reported to be security risks - Item No.3’, NAA A6980, S250772.

²⁷ Francis, *Birthplace, Migration and Crime*, 37–42. is a rare commentary on the reports which are generally ignored in the Australian immigration historiography; see also earlier Francis, *Migrant Crime in Australia*, 54–8.

²⁸ Malcolm D. Broun, “Dovey, Wilfred Robert (Bill) (1894–1969),” in *Australian Dictionary of Biography* (Canberra: National Centre of Biography, Australian National University), accessed May 16, 2015, <http://adb.anu.edu.au/biography/dovey-wilfred-robert-bill-10039>.

²⁹ Holt announcement: “Migrant Crime Committee Set Up,” *The Sydney Morning Herald*, October 26, 1951.

³⁰ Immigration Advisory Council, Report of Committee to Investigate Conduct amongst Migrants (Jan 1952): 15: ‘Crime – migrants statistics’, NAA A446, 1964/46575.

³¹ “Too Many Thugs Among Migrants,” *The Sydney Morning Herald*, December 13, 1951.

³² SRNSW: NRS 302-3, Attorney-Generals Department, Special Bundle, ‘New Australians’, 7/7235.2, *Daily Telegraph*, 3 Nov 1951, press clipping.

³³ Finnane, “Controlling the ‘alien’ in Mid-Twentieth Century Australia: The Origins and Fate of a Policing Role”; Dutton, “The Commonwealth Investigation Branch and the Political Construction of the Australian Citizenry, 1920-40.”

³⁴ These serious offences did not including traffic offences and drunkenness.

³⁵ Heyes to CMO Sydney, 10 Mar 1953, ‘Immigration - Crime amongst migrants, statistics [Box 39]’, NAA, C3939, N1955/25/75743 (barcode: 1045107). Scrutiny of the records suggests that data on British migrants were at least initially collected in Queensland, South Australia and Tasmania.

³⁶ Report of Committee to Investigate Conduct amongst Migrants (1955), p. 2: ‘Crime – migrants statistics’, NAA A446, 1964/46575.

³⁷ Immigration Advisory Council, Report of Committee to Investigate Conduct amongst Migrants (Jan 1952), p. 2: ‘Crime – migrants statistics’, NAA A446, 1964/46575.

³⁸ Immigration Advisory Council, Report of Committee to Investigate Conduct amongst Migrants (1955, p. 12) and (1957, pp. 21-2): ‘Crime – migrants statistics’, NAA A446, 1964/46575. The benign view of ‘southern European migrants’ was not shared by ASIO, whose Director-General in 1957 expressed pleasure in a recent decline in such migration because Italians and Greeks were more inclined than other groups to bring their communist sympathies with them: Spry to Heyes, Oct 1957, Secretary’s report on the

overseas security and criminal screening of migrants - September 1957, NAA A6980 (A6980T1), S250245.

³⁹ Immigration Advisory Council, Report of Committee to Investigate Conduct amongst Migrants (Jan 1952, p. 10): 'Crime – migrants statistics', NAA A446, 1964/46575.

⁴⁰ See Immigration Advisory Council, Report of Committee to Investigate Conduct amongst Migrants (1957, pp. 23-4): 'Crime – migrants statistics', NAA A446, 1964/46575. This emerging concern was subsequently addressed in a fourth Dovey committee established in 1959 to consider the behaviour of migrant children: Immigration - Migrant Children Inquiry in Conduct and Progress [Box 106] NAA: C3939, N1959/75075.

⁴¹ For Heydon's career and influence see J. R. Nethercote, "Heydon, Sir Peter Richard (1913–1971)," in *Australian Dictionary of Biography* (Canberra: National Centre of Biography, Australian National University), accessed May 23, 2015, <http://adb.anu.edu.au/biography/heydon-sir-peter-richard-10496>; Tavan, *The Long, Slow Death of White Australia*, 129–138.

⁴² Kiddle to Armstrong (with Heydon note), 4 Jun 1968, Security screening British migrants – policy – Part 1, NAA A6980, S250772. Dwyer was an assisted migrant who successfully managed to disguise not only his long criminal record (including assault, but not sexual offences) and patchy employment history, but also represented himself as single when he was married with six children: 'Dwyer, Patrick Christopher born 2 January 1937 – Irish', NAA: A446, 1967/2495. He was eventually deported in 1972 on release from prison in NSW.

⁴³ See correspondence between Heydon and Minister Snedden in 1966-7, Security screening British migrants - Policy - Part 1, NAA A6980, S250772. The vetting of visitors or of British migrants seeking employment in security sensitive areas was another matter: Horner, *The Spy Catchers. Volume I*, 497–504; Blaxland, *The Protest Years. The Official History of ASIO, 1963-1975 Volume II*, 241–51.

⁴⁴ See Conference at office of Commissioner of Police 10 Jan 1952 [attended by member of Dovey Committee, T E Dougherty] ‘Appointment of committee to investigate crimes in which non-British migrants are involved’, Queensland State Archives, Item 320156, Series 16865. Not until 1975 was the Police National Computer system established in Britain, after a planning process dating back to the 1950s: Williams, *Police Control Systems in Britain, 1775-1975*, 176–81.

⁴⁵ Kiddle to Armstrong, 4 Jun 1968, Security screening British migrants – policy – Part 1, NAA A6980, S250772.

⁴⁶ Heyes to Downer, 8 Aug 1958, Security screening British migrants - Policy - Part 1, NAA A6980, S250772.

⁴⁷ The criteria for referral to the British authorities were indeed quite extensive: see eg Heyes to Minister 20 Sept 1957: Report on overseas security and criminal screening of migrants by T.H.E. Heyes, C.B.E., Secretary, Department of Immigration, NAA MP598/52 (MP598/52), Whole Series.

⁴⁸ Heyes to Downer, 8 Aug 1958, Security screening British migrants - Policy - Part 1, NAA A6980, S250772.

⁴⁹ R E Armstrong to T H E Heyes, 12 August 1957 [enclosing Home Office response], 'Secretary's report on the overseas security and criminal screening of migrants - September 1957', NAA A6980 (A6980T1), S250245

⁵⁰ Heyes, 'Report on overseas security and criminal screening of migrants, 20 September 1957' [pp. 4-5], Secretary's report on the overseas security and criminal screening of migrants - September 1957, NAA A6980 (A6980T1), S250245

⁵¹ Heyes, 'Report on overseas security and criminal screening of migrants, 20 September 1957' [p. 5], Secretary's report on the overseas security and criminal screening of migrants - September 1957, NAA A6980 (A6980T1), S250245

⁵² Tavan, *The Long, Slow Death of White Australia*.

⁵³ Heyes, 'Report on overseas security and criminal screening of migrants, 20 September 1957' [p. 3], Secretary's report on the overseas security and criminal screening of migrants - September 1957, NAA A6980 (A6980T1), S250245

⁵⁴ Tomsett's eventual deportation from Australia after he served his prison sentence did not put an end to his offending. In October 1963 he was sentenced in England to a discretionary life sentence for buggery and causing grievous bodily harm to a 14 year-old boy; in 1965 he was transferred to a special hospital under the Mental Health Act and 'was detained in various mental hospitals' until his formal (and conditional, 'life license') release in 1994, by which time he was 70 years old. In that year he commenced an action in the European Court of Human Rights over the failure of the UK Government to review his prolonged detention. The matter was resolved between the parties: See *Tomsett v United Kingdom*, 25895/94, ECHR (Report adopted 21 May 1997).

⁵⁵ Ham and Pickering, *The Routledge Handbook on Crime and International Migration*; Crock and Berg, *Immigration, Refugees and Forced Migration*.

⁵⁶ [TABLE 1 SOURCE NOTE] Source: Conference at office of Commissioner of Police 10 Jan 1952, attended by member of Dovey Committee, T E Dougherty: 'Appointment of committee to investigate crimes in which non-British migrants are involved', Queensland State Archives, Item 320156, Series 16865. The police collected information on persons charged as well as number of charges/convictions against each individual: the information in the table suggests that British origin migrants had faced multiple charges more often than did non-British.

⁵⁷ [TABLE 2 SOURCE NOTE] Source: Adapted from 'Incidence of Male Convictions Among Various Groups of Nationals', Immigration Advisory Council, Third Report of Committee Established to Investigate the Conduct of Migrants, 1957 p.18, NAA J25, 1956/2544. Population groups as aggregated and so described in the Report.