

CHAPTER 4

NATIONAL SECURITY (INTERMENT CAMPS) REGULATIONS AND INTERMENT CAMP ORDERS

1. National Security (Internment Camps) Regulations were administered by the Minister of State for the Army. They were first gazetted in 1940 but were repealed in 1941 and replaced by a substantially firm set of regulations which were subject to only minor amendments during hostilities.

2. These regulations formed the whole basis of internee administration in Australia. They were most carefully drafted to incorporate, as far as practicable, the provisions of the Geneva Convention in 1929 which was applied to internees in accordance with the policy of the United Kingdom. The Army Legal Service rendered invaluable assistance to the Directorate in the problem of drafting and arranging amendments found necessary from time to time.

3. As previously stated, the student of PM&I Administration will need to refer assiduously to the regulations (see Appendix 2) during the ready of this report in order to appreciate the reasons for policy decisions and to gain a useful knowledge of the general basis of administration.

4. It will be observed that action was taken to incorporate in these regulations provisions concerning matters peculiarly applicable to Australia, such as official Visitors to Internment Camps (Reg 9); Canteens (Regs 20 and 21) and the like. Care had to be taken also to avoid conflict with existing Commonwealth legislation on matters such as mails, property of aliens etc. The reader will appreciate that the work involved in the drafting of regulations and amendments required the constant care and attention of the Directorate and the guidance of the Legal Services.

5. Under the regulations, the Adjutant-General was empowered to make such orders as be thought fit in relation to the management, inspection and internal economy of internment camps (Reg 7). Various orders were made from time to time under this authority and were contained in Camp Orders Nos 1 to 9 which were all revoked in 1943 and replaced by Camp Order No.10 (See Appendix 12).

6. In addition to the Regulations and Camp Orders, Camp Commandants of Internment Camps in Australia were authorised to issue such local rules as considered necessary. These covered such matters as roll calls, discipline, internal fire precautions, cleanliness of huts etc. Copies of these rules were furnished to Army Headquarters for the Director of Prisoners of War. It is not proposed to deal with these orders in detail or to attach copies to this report as they dealt purely with matters of camp routine and model set of rules would be of little use to the reader.

7. It may be of interest to mentioned here one or two of the more important amendments to Regulations found necessary through experience in administration of internees during the war. These are :-

(a) Regulation 3A

This regulation was inserted following upon representations by the Home Office Representative in Australia. This officer made strong representations for concessions to me made to United Kingdom internees who were not classified as dangerous, and action was then take to classify this group of internees in accordance with advices received from the Home Office.

(b) Regulation 25A

Although careful instructions concerning care of property were included in all directions for the movement of internees to and from camps, it was inevitable

that some losses would occur, and under regulation 25, as originally drafted, no provision was made for limitation of claims submitted by internees in respect of such losses. While there was no desire by Army to evade liability due to any wrongful act on the part of its agents or servants, it was considered essential to institute more effective control over internees' baggage. Experience proved that, on losses occurring, exaggerated claims were made by internees and under the regulations as originally drafted there was no opportunity to rebut the values claimed, neither was there any evidence that articles alleged missing were ever, in fact, in the possession of internees concerned. An example of this nature was a claim by an internee for 20,000 for stamps which he alleged were in a cabin trunk lost during transit between two camps. The new regulation, while not completely satisfactory, acted as a definite deterrent to lodgment of exaggerated claims, and was therefore of considerable value.

(c) Regulation 40B

The use of arms to prevent escapes was not expressly given by the existing regulations and after consultation with the Legal Services it was deemed essential to include this sub-regulation to expressly confer such power.

(d) Regulation 41A

This regulation was promulgated to ensure that money improperly held by internees could be properly dealt with. The absence of this provision had been found unsatisfactory as different procedures were being adopted by the various Camp Commandants.

(e) Regulation 42(7)

To give complete control over the monies referred to above, provision was made here for the freezing of such funds in the event of the internee admitting his guilt or being proved guilty of an offence.

8. The Regulations and Camp Orders, as finally amended and included with this report as Appendices, were found to be most adequate for local needs in Australia and should form an excellent basis for the promulgation of any similar regulations or orders required in the future.

9. National Security (Internment Camps) Regulations did not contain authority for the actual detention of internees. This power was given by National Security (Alien Control) Regulations and National Security (General) Regulations. Enemy aliens were detained in Australia under Regulation 20 of the former regulations, and other civilians under Regulation 26 of the latter

TRANSITIONAL LEGISLATION

10. By virtue of the National Security Act of 1946, the National Security Act of 1939-1946 and all Regulations made thereunder, and all orders and by-laws made in pursuance of any such regulation, cease to have effect after midnight on 31 Dec 46. Legislative action was necessary to retain the National Security (Internment Camps) Regulations and Internment Camp Orders as it was anticipated that some internees would be retained in the Commonwealth for at least a short period after that date. This was effected by means of the Defence (Transitional Provisions) Act which was designed to provide for the security and defence of the Commonwealth during the period of transition from war conditions to conditions of peace. The Act extended until December 1947 the Regulations and Orders in question, as well as other National Security Legislation. Further legislation extended the operation of these Regulations and Orders until 31st December, 1949, after which date they ceased to have any further effect.