

PART I

ADMINISTRATION OF ENEMY INTERNEES

PART 1 - INTERNEESCHAPTER 1INTERNMENT POLICY

1. United Kingdom internment policy, as expressed immediately prior to the commencement of the war, stated that no general internment of enemy aliens was contemplated but that some measure of general internment might be inevitable at an early date, particularly in regard to Germans, and as a result of public opinion. The Secretary of State for Dominion Affairs, in a circular dated 5 Sep 39, issued a statement made by the Secretary of State for Home Departments, in which was expressed a desire to avoid treating as enemies those refugees who were friendly to the country which had offered them asylum. At the same time, attention was drawn to the necessity for care in sifting out any persons who, though claiming to be refugees, might not in fact be friendly to the country in which they resided. To supplement the information already available in the United Kingdom, an immediate review was arranged of all Germans and Austrians in the country to determine which persons could properly be left at large and which should be interned or subjected to other restrictions. In conducting this review, due regard was paid to the certainty that there would be an increasing demand for labour and services of all kinds and that use should be made of the help of friendly aliens in any directions in which their assistance might be advantageous to the country.
  
2. This policy was followed as closely as possible in the Commonwealth and an early basic principle was established that enemy aliens of military age, or any other persons suspected as being likely to act in a manner prejudicial to the public safety or the defence of the Commonwealth, or as being likely to cause disaffection, should be regarded as suitable subjects for internment on the outbreak of war. Known members of the N.S.D.A.P. were considered, under the circumstances existing before the outbreak of hostilities, to be subject to direct control of German authority and thus likely to be the instruments of any direct action prejudicial to the safety of the Commonwealth by way of espionage, sabotage, and the spreading of disaffection through propaganda. Persons closely associated with members of the N.S.D.A.P. were also considered to be in a similar category, as it was one of the basic methods of this party to work through non-members and thus avoid the direct operation of adverse laws of any country in which it was operating.
  
3. To implement this policy, District Commandants, in conjunction with the State Police and the Commonwealth Investigation Branch prepared lists of persons for control or internment. National Security Legislation provided varied powers of control over aliens or suspected persons, and District Commandants were directed to ensure that no person should be interned unless his being at large constituted a danger to public safety or the defence of the Commonwealth. To assist implementation, Commands were informed that the general policy with respect to internment, as contained in Commonwealth War Book, Chapter XII, should be interpreted as follows :-
  - (a) Internment was to be resorted to only when it was considered that other forms of control would not be adequate.
  - (b) There must be a reasonable case against an individual enemy alien before he was interned. Apart from evidence of activities, membership of an organisation such as N.S.D.A.P. or any of its offshoots, or allied organisations, or the Fascio or its offshoots, was to be considered as a prima facie ground for internment. In any border-line

cases the benefit of the doubt was to be given to national interests rather than the individual.

- (c) With respect to persons generally classified as refugees it was to be borne in mind that it was the practice of the Germans (for example) to use relatives and property in Germany as a means of exerting pressure to serve Nazi ends. When considering the case of an enemy alien "refugee" that aspect was to be taken into consideration. It was specially desirable that no enemy alien admitted to the country as a refugee, or generally so regarded, should be interned unless he had been given an opportunity of stating his case. The onus was on him to show that he was not likely to be influenced by the possible consequences to his relatives in enemy territory and that he had thrown in his lot with the Commonwealth to such an extent that there was no prospect of his yielding to pressure by the enemy.

4. Until the outbreak of war the Commonwealth Investigation Branch had been responsible for internal security of the Commonwealth. By arrangement, personnel of Military Intelligence (MI) assisted the Branch to collect and collate information concerning suspected persons. Army was therefore in a position to proceed, immediately on the commencement of hostilities, to co-ordinate the apprehension of those whose internment was considered necessary, and at this stage Army accepted responsibility for the administration of internment generally.

5. Until the end of May 1940, Germans only were interned in Australia under the above policy and on 31 May 40 a total of 268 Germans were held. With the defeat of France by Germany in June 1940 general internment of enemy aliens was effected in the United Kingdom, and the internment of potentially dangerous Italians in Australia was immediately effected as it was apparent that Italy would shortly enter the war.

6. At this stage the Commonwealth agreed to accept the transfer to Australia of up to 6000 internees and prisoners of war whose presence in Britain was regarded as a source of potential danger, on the condition that the internees would remain interned while in the Commonwealth and that in the event of their release being authorised in the country in which they were originally apprehended, they would not be permitted to remain in Australia but would be despatched overseas for that purpose.

7. With the entry of Italy into the war in July 1940, large scale internment of Italians commenced in Australia and approximately 1850 were held as internees by the end of that month. Internments were effected under a similar policy to that adopted in relation to Germans.

8. Before proceeding with the review of changes in internment policy it is considered desirable to set out here the legal authorities under which internments were effected, viz:-

(a) Enemy Aliens

Regulation 20 of National Security (Aliens Control) Regulations provided that if the Minister of State for Defence or the Attorney-General, or any person authorised by either of those Ministers to act under the regulation, is of opinion that it is necessary or expedient in the interests of public safety, the defence of the Commonwealth, or the efficient prosecution of the present war, to detain any enemy alien, he may make an order directing that the enemy alien be detained.

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The regulation further provided that the enemy alien shall thereupon be detained in accordance with the regulations providing for the custody of, and maintenance of discipline among, persons so detained, made in pursuance of Section 13B of the Act, and for the time being in force, and that all constables and Commonwealth officers shall take such action as is necessary to give effect to the order.

(b) Other persons

Regulation 26 of National Security (General) Regulations provided, inter alia, that the Minister of State for Defence or the Attorney-General may, if satisfied with respect to any particular person, that with a view to preventing that person acting in any way prejudicial to the public safety or the defence of the Commonwealth it is necessary so to do, make an order directing that he be detained. This regulation also provided for his resultant detention in accordance with existing regulations and for the co-operation of constables and Commonwealth officers.

9. Instructions were issued in July 1940 for the internment of enemy women aliens and those who were naturalised subjects of enemy origin, where such internment was considered essential but only after full investigation of the evidence and where it appeared that no other alternative form of restriction or control would provide adequate safeguards.

10. September 1940 saw the arrival of 2542 internees from the United Kingdom and 266 from the Straits Settlements. It was immediately apparent that among the former were a considerable number of refugees who had no sympathy with the enemy and who had been interned in England as a precautionary measure immediately following the collapse of France. Many made immediate applications for segregation and/or release. The difficult and involved problem of handling these internees is dealt with <sup>as far as possible</sup> fully in *this report*.

11. The Commonwealth Investigation Branch was re-organized in March 1941 to take over the administration of internment and Army co-operated with that Branch until June 1942 when the Director-General of Security, under the Attorney-General's Department, accepted all responsibility for internments and releases. From that date Army became the custodian of internees, accepting for internment those persons whom DG Security ordered should be interned, and releasing from custody any that DG Security so ordered. The respective functions of DG Security and Army are set out in *PART I Chapter 6*.

12. Apart from the overseas internees referred to in paragraph 10 above, large numbers of Germans and Italians were sent to Australia from other countries under arrangement with the Commonwealth Government. Details of these are given in *PART I Chapter 3* of the report.

13. Japanese internments commenced in December 1941, immediately following the entry of Japan into the war. War Cabinet had in June 1940 decided upon a definite policy to be followed in the event of war with Japan, as follows :-

- (a) Internment of all Japanese males over 16 years within Australia and its territories, except those with diplomatic or consular privileges.
- (b) Internment of all Japanese women until they could be transferred out of the country.

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(c) The negotiation with Japan of an exchange of internees other than those required to be held for security reasons.

(d) Acceptance of Japanese internees from New Caledonia if so required by the Free French Movement, as well as those from Gilbert and Ellice Islands Colony, British Solomon Islands and New Hebrides.

14. Approximately 1100 Japanese civilians were interned in Australia by the end of January 1942 and 3160 Japanese were transferred from overseas for internment in Australia. Details are given in Chapter 3. of the report.

15. The only other internees received in Australia from overseas were 525 Indonesians evacuated from Dutch New Guinea in June 1943 under arrangements made with the N.E.I. Commission in Australia and concurred in by General MacArthur.

16. Security Service was disbanded in December 1945 and the Commonwealth Investigation Branch again took over responsibility for internal security of the Commonwealth, including the apprehension and release of internees.

17. It was the policy of the Commonwealth Government during World War II to refer for comment and recommendation by the Department of the Army, all proposals from Allied Governments that bodies of Internees be transferred for custody in Australia. Although the General Staff had the prior right to express the Army's view on security aspects, in actual practice each such proposal resolved itself into a question of whether suitable accommodation and guards could be provided. Invariably the Commonwealth Government was advised to inform the Allied Government concerned that the Commonwealth would accept certain persons for custody on behalf of the Allied Government at the latter's expense and on the express understanding that such persons would not be released in Australia. During late stages of the war the policy of releasing approved individuals in Australia was inaugurated ostensibly for manpower considerations.

18. Disposal of internees held by the Commonwealth is dealt with in Part I Chapter 23 relating to releases, repatriations and exchanges.