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Solidarity, Selectivity, Security:

The management of New Zealand migrants in Australia

By

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of the requirements for the degree of
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Abstract

From 2014, New Zealand born migrants to Australia been detained in the Australian Immigration detention centre of Christmas Island. The two countries have historically had friendly relations and under the 1973 trans-Tasman Travel Arrangement citizens of either country have had free movement to live and work in the other country. This thesis explores the discursive framings under which New Zealand born migrants in Australia have been managed in the period from from 1901 to 2016. This is performed by textual analysis of qualitative material. Data collected was documentary data. This data was sourced from news media, governmental polices and the documents surrounding them. The analysis draws on contemporary theories of policy formation, and focuses specifically on the key concepts of Citizenship, Regulation and Detention. The research identifies three key phases of management, Solidarity, Selectivity and Security, each of which is underpinned by specific discursive formations. These formations were the ANZAC spirit, the kiwi dole bludger and the back door migrant or criminal. The research focuses attention on the latest 'Security' phase of management and the discursive formation associated with it, which were precipitated by the Tampa affair, 911 and the Bali bombing. New Zealanders have become entangled in specific ways in a new security regime that has partially dislodged the earlier discursive and governmental formations that have treated New Zealanders as very different to other non-citizens. Beyond the privilege of entry, the new 'Security' migration regime in Australia now subjects New Zealanders to the same management as others.

Key words: migration, management, Trans-Tasman, selectivity, security, detention

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Chapter 1: Introduction

In September 2015, a New Zealand-born man was found dead in the isolation unit in Sydney's Goulburn SuperMax prison (Visentin, 2015). The 23-year-old man, who was facing deportation back to New Zealand, had passed away three weeks before he was due to be forcibly returned. At age four he moved to Australia and at age 16 he committed an armed robbery. At the end of his seven-year prison sentence, the man discovered that his visa to Australia had been revoked. Rather than return to a country that he did not call home, the man chose to take his own life. Australia and New Zealand, two countries with an enduring history of friendly diplomatic relations, had long allowed citizens of either country to live and work relatively freely in the other country. Between Australia and New Zealand, it has been noted that despite the close relations between the countries a significant asymmetry has developed in the relationship (Bedford et al. 2003). This thesis sets out to uncover the cause for the asymmetry in the trans-Tasman relationship and the implications it has had for the management of New Zealand emigrants to Australia. Successive Australian governments have reduced and restricted the rights of New Zealanders residing in Australia, particularly their social security and labour rights. Such changes—along with expanded use of detention—have resulted in New Zealanders becoming the largest national group held in Australian detention centres (Border Force Australia, 2016). How did New Zealanders living in Australia go from having rights that approached those of an Australian citizen to filling detention centres and, in the case of one 23-year-old man, taking his own life when faced with deportation?

This thesis seeks to provide an answer to such a question by examining changes to the management of New Zealand migrants living in Australia. It has three specific objectives:

- 1) Synthesise critical geographical scholarship migration management
- 2) Examine the historical and contemporary discursive framings of New Zealand migrants in Australia
- 3) Examine key policy shifts affecting New Zealand migrants living in Australia

These objectives help to explore the management, by providing insight to the literature of migration and the practices of managing migration. Discursive framings and policy are intertwined. The discursive framings of the New Zealand migrants living in Australia are embodied in the way in which they are managed and by examining the historical and contemporary framings, a longitudinal

analysis can be made. These objectives will be able to show the changes in the way Australia manages the New Zealand born migrants.

Chapter 2 of this thesis details the background literature and theoretical perspectives on migration. This topic is important as literature on trans-Tasman migration has largely focused on flows of people and trends (Brosnan and Poot, 1987); (Carmichael, 1993); (Gorbey, James, and Poot, 1999); (Poot, 2010). The migration trends between the two countries has been driven cyclically, peaking at the ends of the decades; 1969, 1979, 1989, 2001 and 2008. The number of New Zealanders leaving for Australia was the highest in 2008 when there was an estimated population of 521,000 New Zealanders living in Australia at the time (Poot, 2010). The thesis builds on geographic theories of migration to understand migration management. There is a large geographical scholarship on theories surrounding migration. Some of the earliest theories such as Ravenstein (1885), date back to the late 1800's and early 1900's. These theories have continued to develop over time and have stimulated new and often counter- theories to explain the processes of migration. This thesis draws upon the latest generation of theories of migration (Feldman, 2011); (Mountz, 2010), to develop a case-specific conceptual apparatus and research design. In particular it draws on the notion of a migration regime (Feldman 2012) to theorise the configuration of governmental rationalities, discursive formations, and actual policies and their implementation in practices that is brought to bear on the management of New Zealand migrants in Australia. The thesis is an account of the current trans-Tasman migration regime. To develop this account the thesis will specifically focus on the key ideas of citizenship, management and detention. The conceptual apparatus will be developed in Chapter 2, which addresses Objective 1 of the thesis..

Chapter 3 builds on an understanding of the background literature to lay out the research design of the thesis. As migration is a managed phenomenon through policy and discourse, this research is conducted as a qualitative case study, using secondary data. This research, will focus on the state policy and media representations of the discourses of New Zealand migrants in Australia. An analytical approach will be used to cover these policies and discourses. Textual analysis will be conducted through documentary data, which has been obtained from both official and nonofficial sources, such as government agencies and media outlets. With the goal of the thesis to understand the status of New Zealanders in Australia, the historical context needs to be established. This is done by investigating the history of relevant trans-Tasman policy starting from Australia's self-determination in 1901 to present day.

The empirical data of this research is divided into two parts, Chapter 4 covering the years 1901 to 2001 and Chapter 5 covering the years 2001 to 2016. Both of these chapters complete the second

and third objective of this thesis. Chapter 4, starts by examining the Australian migration practices from Australia's self-determination in 1901 to present day. Many policies such as the 1973 trans-Tasman Travel Arrangement or the 1983 Closer Economic Relations Trade Agreement have been inclusive of New Zealanders in Australia and due to solidarity between the two countries. However later policies have become of selective and reduced the rights of New Zealanders in Australia, such as the 1994 introduction of visas and 2001 Social Security Agreement.

Chapter 5, builds from the content of Chapter 4 and discusses how the year 2001 was a changing point in the management of New Zealand migrants living in Australia. This changing point was due to the events of the Tampa Affair and the September 11 terrorist attacks. Due to selective policies that reduced the rights of New Zealanders in Australia and the introduction of security threats to Australia the power to manage migration practices has increased. This has resulted in the practice of detaining New Zealanders in immigration detention, which is the ultimate form of control a nation state possess over a non-citizen.

Chapter 6, concludes the thesis by tying the empirical data back to the literature. The practices of Australian migration management regime have links back to Feldman's (2011), Mountz (2010) and other contemporary geographic theories of migration management. The argument is made that policy and discursive thought are deeply entrenched, and that the relations of solidarity, selectivity and security are influencing factors in policy.

Chapter 2: Literature Review

2.1 Introduction

There is a vast body of literature on human migration and numerous theories of the reasons why people choose to migrate to another country. The theories range in foci, such as economic reasons, to supply and demand of labour. This chapter covers a background on migration theory and the emergence of academic interest into the procedures of migration management. The introduction of biopolitics into academic thought and the role of state power has shaped the theories on migration management. Through conceptualising migration management, three main techniques of regulation, citizenship and detention are focused on and discussed.

2.2.1 Theoretical perspectives on international migration

International migration has become a high profile and highly politicized topic in recent years; often at the centre of political debates and policies. Within Europe anti-immigration nationalist parties in Poland, Switzerland, Denmark, Austria, UK and several other countries all have a significant percentage of the popular vote. Economic stagnation and xenophobia in the United States of America has led to the first policies creating nation quotas, restricting immigration from 1921 to 1965 (Castles, De Haas and Miller, 2013). In Korea and Japan which have largely homogenous populations, politicians express opinions that traditional ways of life will be lost. Even in multi-cultural Malaysia migrants are accused of being responsible for societal issues. Contemporary large scale migration is not new but its political importance has been growing, however scholars such as Stalker (2000), state that emigration out of Europe from circa 1850 to 1939 was larger than modern migration with approximately 59 million people leaving Europe. Workers themselves predominately migrate in search of better socioeconomic opportunities, although there are other reasons such as established networks in foreign countries, wanting an overseas experience or fleeing violence and persecution (Wickramasekara, 2002). The complexity of migration is accentuated by the fact that migration occurs over long periods of time. The effects of migration last long after an individual moves from their place of origin to a new country, as assimilation into a new society can take decades or generations.

Due to this complexity, there are a number of differing theories that seek to explain the processes, causes and effects of migration. Two significant 'schools' of international migration theory are functionalist and historical-structuralist. One of the earliest functional theories of migration was Ravenstein's (1885) *Laws of Migration*, in which Ravenstein stated that economic means were

believed to be the primary factor dictating migration outcomes. This work was built upon by Lee (1966), who viewed migration as the outcome of a series of factors that push the migrant away from the home country or pull the migrant to the destination country. Functionalist theory is the idea social structures work together to help provide more egalitarian societies, and therefore, functionalists believe that migration is inherently good for society. Lee's framework began to be referred to as the push-pull model, which all of the factors create equilibria. The common good is achieved when equilibrium is balanced (King, 2012). The push-pull model had the strength that all factors could be incorporated, however it lacked the ability to understand the interplay between the different factors and the capacity to explain the processes.

Neoclassical and human capital migration theories are also functionalist theories. Neoclassical theory frames migration as a response to supply and demand of labour, wherein people move from areas with surplus labour to areas where labour is in high demand. The resulting move of a labour force creates equilibrium between the two areas (Todaro, 1969). The human capital approach is not mutually exclusive with neoclassical theories and was developed by Sjaastad (1970). This human capital migration theory seeks to explain why the higher skilled and young migrate more frequently. Skills which are more important to labour markets such as education, skill set and physical ability become markers for how much a migrant expects to get as a return on migrating. This makes migration something that can be invested in much like education. The critique of these theories is the level of human agency, if people did not independently make the choice to move and instead are purely driven by these external factors (Castles, De Haas and Miller, 2013)

The other main camp of migration theory is Historical-Structuralism. Historical-Structural theorists believe migration leads to greater inequality, that cultural, socioeconomic and political structures constrain people and produce inequality (Castles, De Haas and Miller, 2013). Migrants, can be used as a labour force that is both cheap and exploitable and creates further inequality between countries due to a 'brain drain' (Castles, De Haas and Miller, 2013). The Historical-Structural approach has links to Neo-Marxist political theory. Historical-Structural theorists believe that migration is the result of unequal and exploitive trade between the global north and south. This approach focuses more on accounts of labour that is indentured, such as workers from the British Raj who provided labour for other parts of the empire, or Mexicans working in the agribusiness sector in parts of the United States (Cohen 1987). Historical-Structuralists believe human agency has little influence on migration as migrants are forced into moving. Global financialization has undermined local economies resulting in people being coerced into moving to become part of a proletariat that

provides cheap labour for the benefit of both the employers and the host nation (Castles, De Haas and Miller, 2013)

Globalization theory arose in the 1990's and is a continuation of Neo-Marxist theory. Since the introduction of neoliberal policies in western economies in the 1980's there has been a large-scale increase in the international movement of technology, finance and people. Globalization is seen by Hardt and Negri (2000) as the weakening of the nation state and a modern form of imperialism in which the global north retains power over the global south, creating further social inequity. International migration discriminates between high and low skill workers as the people who are eligible for visas are those who have higher education, economic and social resources. This international class system allows exploitation of low skill migrants by multinational corporations and increases the number of irregular migrants (Castles, De Haas and Miller, 2013). Globalization theorists characterize migration as being controlled by supranational and non-governmental actors.

Segmented labour market theory seeks to explain the differences in demand for high and low skill migrants. Piore (1979) believed that countries in the global north need both high skill and low skill migrant workers. The demand for low skill migrant workers is due to women being incorporated into the labour market and more young people are seeking higher education instead of joining the labour force. The low skilled migrants are part of a secondary labour market which help service the primary labour market. The secondary market is often comprised of irregular and or vulnerable migrants who are exploited by employers as they are compliant and replaceable (Castles, De Haas and Miller, 2013).

The theories of migration discussed earlier do not explain all there is about migration but instead provide a platform that subsequent theories have developed from. These theories portray migration as natural process, functionalists such as Neoclassical and human capital theorists believe migration is purely influenced by economic factors. Historical-Structuralists, Globalization and Segmented labour market theorists believe that migration is an exploitive practice by nongovernmental, multinational corporation actors for cheap labour. Neither of these camps theories address the role of the state. The nation state is important in migration as policies of migration, social services and citizenship still fall under state control (Feldman, 2011). The state has increasingly raised the level that it manages migration, from visa quotas to detention, in both facilitating and dissuading migration. The increasing regulatory frameworks and information management systems such as biometric data storage, visa and passport systems are examples of increasing state migration management. The next section establishes the short comings of the main camps of migration theories and addresses the role that the state has in managing migration.

2.2.2 Migration management

Migration management is the term for policies and administrative strategies to facilitate control of migration. These policies and strategies exist to control both illegal and legal migration. Additionally, the term encompasses the state managing the entry within the borders of a country and also the status of a migrant. Management of the status of migrants may include processes towards naturalization, citizenship and/or assimilation. In *The Migration Apparatus*, Feldman (2011) seeks to explain how a global network of nations, organizations and corporations interact and facilitate governance of migrants. Feldman argues that migration is a managed phenomenon, by multiple actors and not purely about incentives such as migrating for better economic opportunities. Feldman (2011) makes the case that the regimes of the collective actors invested in migration have constructed an apparatus to manage migrants. The apparatus attaches otherwise disconnected peoples from the migrants themselves, civil servants, policy makers, sea captains, satellite operators and people smugglers. The apparatus consists of both the physical and the abstract from satellite systems, detention centers, quantitative analysis, maps and other visualisations of political space. Feldman's migration apparatus does this through a term borrowed from Foucault (2008) called 'spontaneous synthesis of egoism' in which people from different parts of society are woven together to think and believe in the same way. The apparatus is created through people having homogeneous rationales and discourses on global migration processes and its negative displacing effects.

There are three main ways the apparatus interacts with people. First, homogeneous thought does not operate from top down command, but instead woven into people's routines. Migration policy organizations employ easy to use templates to spread information. Feldman (2011) uses The I-Map as an example, which projects global migration patterns which is highly accessible and therefore easy to persuade people to believe its view. Geographically disconnected peoples all view the same animated representation which creates standardized perspective of problem identification and policy conceptualization, among otherwise disconnected actors. Secondly, the apparatus creates a hyper objectification of the migrants. As people are managed as 2D quantitative objects rather than 3D qualitative subjects. Peoples identities are objectified through algorithms of biometric facial scans and boating patterns, which can result in the detention of a migrant without a human having to make a decision. Even actions that require a person, such as migration officer having to make a decision, there is an objective test for refugee claims matched against the objective criteria of the Geneva convention. This combined objective information can be spread and shared over all of the networks that can span multiple government agencies, countries and supranational organizations. Third, the different policy domains are pervaded, by high scale morality, sentiments and ideas that

are dispersed to vast numbers of peoples in order to establish moral coherence. Such as policies called a “migration policy that works for everyone”, “a humanitarian approach to border control” “enabling migrants to help themselves” are vacuous phrases applicable across policy domains because of ease of use, no requirement for abstract thinking and are sufficiently vague to fit any situation. The effect is not to be moral but instead to shut out alternative moral positions. This lets policy makers think they are acting in the migrant’s best interest while they ignore the structural situations from the start. Such policies are easily transferable across different migration policy domains and can be organized and integrated into otherwise unrated contexts. The goal for the apparatus is not totalitarian control over migrants, but instead to be interactive with the migrants, who only become viewable by the apparatus when there is a deviation from the norm. The apparatus then narrows down choices for safe movement and forces migrants ever further out on to a limb, out of the narrowly defined legal spaces and into vast ill-defined spaces such as deserts, seas and urban slums. This mode of interaction for the apparatus substitutes for top down control, when makes the apparatus difficult to resist, as resistance works best when there is a clear centralized authority whom can be pushed back. The apparatus only exists as templates, abstract logics and disposable technicians. To resist is seemingly impossible. Feldman (2011) work shows the complex construction around regimes of migration management. Migration management by state and non-state actors is an important aspect to understanding and conceptualising migration. Feldman (2011) offers useful insights into contemporary migration management, and now further examination on the literature of conceptualizing migration management can be looked at to help understand the complexities of migration management.

2.3 Conceptualising migration management

Migration management can include the practices of setting annual targets for the number of legal immigrants to complex regimes of monitoring and policing illegal migrants. There is a range of processes, practices and strategies to manage migration. While many of these systems are most visible as the management to control unwanted migrants, these systems are also in place to control legal or desired migrants. The means to control migrants falls into two main categories. One, external controls, including measures of prevention such as physical controls at borders and two, internal controls, which included visa classifications ensuring only certain persons can work and for how long (Freeman, 1994). Migration management in western liberal democracies can be paradoxical at times, such as attracting high skill migrants, but then not recognising their qualifications. Migrants are repeatedly presented as overwhelming countries and are responsible for the erosion of traditional cultures, while at the same time more restrictive measures are introduced to exclude migrants. This problematisation of migrants results in further political mobilisation

against migrants. Freeman (1998) argues that governments present migration as a problematic issue, comparable to Munchausen Syndrome, to then in turn respond to issue. The reason attributed to this is that international, non-state regimes of migration such as the European Union, the North American Free Trade Agreement or the United Nations High Commissioner for Refugees, fall outside local political control. By problematising migrants, governments gain a reason and justification to exert control over these people. Freeman (1998) states that this tactic of problematising migrants allows states to reassert their sovereignty.

Mountz (2010) develops further on the more contemporary theories of migration management. Mountz' (2010) idea of 'The long tunnel' was developed from a Canadian asylum seeking setting and provides an example of research that focuses on the management of migration. In 1999 four boats containing 599 people from China entered Canadian territorial waters and were intercepted and detained. During processing at a nearby navy base most of the people made refugee claims. Under Canadian law, once a refugee claim has been made the individual has the right to a refugee lawyer and process to ascertain the legitimacy of the claim begins. This did not happen in this instance because the government wished to begin a criminal investigation. After an outcry by refugee lawyers who were denied access to the claimants, the Canadian government responded by declaring the naval base a port of entry. By reclassifying the local geography of the base, the access to rights changed to the migrants/refugees. The migrants were treated as if they had landed in Canadian sovereign territory but not on Canadian soil. This interstitial place was both Canada and Not-Canada at the same time. This paradoxical space was referred to as "the long tunnel". This change in the designation to a port of entry exemplify examples of how the spatial definitions by sovereign power can be used to create areas of exclusion. Mountz argues that events such as 1999 Canadian example can be used to introduce codicillary measures to control migration. 'The long tunnel' is part of the greater securitization of migration.

Geographic academic discussion on migration management has changed in recent years in what has been called the 'biopolitical turn'. In geography, the concept of biopolitics is both an emerging field and an umbrella term. With biopolitics being attributed to a vast and growing range of ideas, it is important to understand what is and is not biopolitical. The modern and academic idea of Biopolitics was developed from Foucault's 1979 lecture the "La naissance de la biopolitique" (The Birth of Biopolitics). This lecture was regarding the role of the modern state and political institutions. Foucault examined the genealogy of the role of the state in history as a means to explain the mechanics of modern western governments. Biopolitics has provided geographers a fundamental way to understand how life and modern politics interacts (Minca, 2006). Geographers have been engaging with ideas that can be seen as biopolitical for a number of years. Foucault provided the

original framing for the concept by developing on the work of others. Foucault did not coin 'Biopolitics'. The term 'itself was attributed to Rudolf Kjellén who shaped early 20th century German political theory, which was adopted by the National Socialists and implemented into Nazi foreign policy and regulation of life (Lemke, 2001; Minca, 2015). Kjellén also coined the more famous term Geopolitics (Geopolitik), which combined with Biopolitics was used as academic legitimization and became a central component to German imperial desires and later the National Socialist' policies for German autarky. In the Anglosphere, Biopolitics only emerged in the 1960's. Foucault explored the history of German political theory and traced these ideas to practices of more recent western democracies (McNay, 2009). Foucault first used the term Biopolitics in his lecture on the 'History of sexuality' in 1976 but continued to develop on the concept in the following years (Macey, 2009). Biometric data collection as border control has had been studied extensively, making the body the target for scrutiny (Pero and Smith, 2014). Illegal immigration is regarded as a threat to the nation state and offshore detention has allowed a legal framework for the state to deny asylum claims and keep migrants in limbo. In addition to biopolitical discussions on migration there has been an emergence of discovering the experiences of non-state actors such as the migrant themselves. How migrants interact with the politics, spaces and identity of being transnational (Kuusisto-Arponen and Gilmartin, 2015).

The origins of Biopolitical state practices are found in 19th Century Europe governance of colonies and continued to develop with theories of Social Darwinism and eugenics programs. Foucault argued that the role of 17th century European governments was to rule over a territory and the people who lived there were ancillary. Foucault believed that since then, Governments have shifted the foci to rule over to the population. The state shifted from having individuals as subjects to having power over the creation, sustainment and end of life. Nonetheless Foucault's concept of Biopolitics, was not exclusively used to examine government but also state institutions such as prisons and public health (Minca, 2015). Nor is Biopolitics academic use confined to Geography as it is used by many different disciplines.

Foucault's 1979 Birth of Biopolitics lecture uses the concept of Governmentality as a means of analysis of governance. Governmentality links power reciprocally to ways of thinking, meaning that that to study how state power is employed and understanding of rationality at the time is also needed (Lemke, 2001). This rationality is also applied when analysing other forms of power such as institutions and the judicial system. Foucault uses governmentality to explain how the modern state has control of the individual's body and how Biopolitics was being used a form regulation of the population.

Foucault described Biopolitics as the way human life interacts with political practices. The object is not the individual person but their biological features measured at the level of the population (Minca, 2006). For Foucault Biopolitics and modern capitalism are intertwined. According to Foucault modern racism is linked which helps establish a hierarchy and separation of social life wherein differing races are deemed good and which are acceptable to kill or let die (Minca, 2015).

Agamben took Foucault's Biopolitics and added his thoughts on the concept. Agamben's main additions to the Biopolitical literature were his ideas on the state of exception and bare life. While from a philosophy background however his theories on Homo Sacer can applied to "spatial theory" Biopolitics (Minca, 2006). A Homo Sacer is a person who under ancient Roman law has been banned by the sovereign. A person who was deemed Homo Sacer could be killed by anyone without committing homicide, but could not be killed as a ritualistic sacrifice. To Agamben the modern biopolitical state see its citizens as an extension of itself, the population as its body and citizens as a body parts. The nation reduces people's bodies into measurable and identifiable numbers and figures to become biological body parts though medicine, geography and management. By viewing citizens as parts of a greater organism, they become expendable to protect the rest of the 'body'. All people can potentially become Homo Sacer, once this happens these people hold no political value and are reduced to bare life and are therefore killable. Agamben use the term 'The camp' a place where people are reduced to bare life and an example of political space as a permanent spatial structure. The camp falls outside normal court system while also being part of that order. Producing a space of exception, excluding individuals from the rest of society, by including them into the camps (inclusion by exclusion). For Agamben "death camps are the Biopolitical paradigm of the west" (Lemke, 2001) and the ultimate place of the state of exception, where people are reduced to nothing but bare life (Agamben, 1995). A contemporary form of the 'camp' is seen in the War on Terror, which is an example of the un-localizable, while the emergence of secret prisons (black sites) does mean that the war is localized to existing somewhere. However, these sites residents are unknown and the locations are largely invisible, except for a few infamous examples such as Guantanamo Bay and Abu Ghraib (Minca, 2006; Rutherford and Rutherford, 2013). Guantanamo Bay is a well-documented example of the space of exception by Gregory (2006). Guantanamo Bay does not exist outside the rule of law and operates legally. Guantanamo Bay legally contorts to exist as place both within and outside the United States simultaneously, to ensure that the Supreme Court of the United States could not shut down the facility, while also protecting those who carry out the "Enhanced interrogation techniques" (Gregory, 2006). Agamben's concept of camps in which people are reduced to bare life can be seen in the migration management technique of immigration detention. Guantanamo Bay has been used to house and process asylum seekers from Haiti and

Cuba prior to the War on Terror (Gregory, 2006). The practice of indefinite detention without trial is used in these camps for both terrorists and illegal immigrants, as they are both argued to be risks to the national security of the country (Rajaram, and Grundy-Warr, 2004).

Agamben also drew links to other examples of Homo Sacer such as stateless people, refugees and comatose people; who also can be viewed as bare life (Minca, 2006). Or the normalisation of 'extraordinary rendition' in which criminal suspects are extra judicially abducted, detained and transferred to another country for prosecution (Minca, 2006). Agamben's term of Homo Sacer explains how people suspected of carrying out acts of terrorism can be killed to protect the rest of the population, such as the innocent Brazilian who was shot in the wake of the London underground bombings (Minca, 2006). These examples show the change in the relationship in judicial power as an extension of political order is no longer defined by a confined territory or space. Agamben believed that the state of exception now links life to politics, "all life becomes and all politics becomes the exception" (Agamben, 1995). The concept of Homo Sacer can be linked to practices of migration management. Irregular migrants who have been detained in Australia, Malaysia, and Thailand have been described as Homo Sacer (Rajaram, and Grundy-Warr, 2004). Australian territory, which contains immigration detention camps has been reclassified to be outside normal migration law. This has created zones of exemption for illegal migrants and render the detainees Homo Sacer (Rajaram, and Grundy-Warr, 2004).

The introduction of Biopolitics into geographical literatures is attributed to Agamben's reviewing of Foucault's work and its publication in English in 1998 (Campbell and Sitze, 2013). Prior to the migration to social science the concept of Biopolitics was predominantly used in philosophy. Agamben directed the focus of his work on the modern sovereign states enactment of power, such as the spatiality pertaining to the death camp and how people can be reduced to bare life. Agamben's use of Biopolitics highlighted the "spaces of exception" which allowed geographers to view the idea within spatial theory, which was not so clear in Foucault's work (Rutherford and Rutherford, 2013). Stuart Elden (2007) stated that while Foucault believed that space was less important in the process of change from state sovereignty to Biopolitics, in reality it had become more of a focus. However, it was no longer the part of state territory but instead the qualities of the territory. Biopower regulates what in that territory is owned, shared, defined, bordered and how it is controlled (Minca, 2015). Biopolitics has a number of spatial aspects which geographers have used. Foucault work on population health and medicine highlights this geographical aspect, with Foucault creating primary, secondary and tertiary spatializations. Primary spatializations in medicine is configurative, such as tables which compartmentalize different diseases. Secondary, was the localization on the body, where certain diseases are found corporally. Tertiary spatialization is in

social space, such as the mapping of diseases to local regions and the dissemination of diseases (Legg, 2005). Medicine is one of the many ways in which the state biopolitically interacts with people, with the collection of statistics of birth rates, mortality rates, disease outbreaks, hygiene and fertility (Foucault, 2007).

Following Agamben's work Hardt and Negri (2000) discussed a new turn in modern capitalism in which politics and the economy become more intertwined, in addition to the populations productive and reproductive resources. Many academics joined what is called the Biopolitical turn and led to new studies of Biocomputing, Bioeconomics, Bioethics, Biohistory, Biopower, Bioscience, Biotechnology and many other examples (Minca, 2015). Geographers used Agamben examples to discuss modern conflict, prisons, migration, mobilities and stateless persons. This focus has found particular emphasis in the post 9/11 world (Minca, 2006). The new Biopolitical turn has changed how geographers view the border and migration management, from increased border security such as measurement of biometrics to new immigration policies (Rutherford and Rutherford, 2013). Agamben believed that for a sovereign state entity to have political and judicial rule, a 'normal situation' needs to be created or else there is chaos. This 'normal situation' requires grounding in space and within this territory order is established (Minca, 2006). With this idea, all laws and rights only exist in certain spaces and conversely can be suspended in certain instances. These instances of suspended rule are what were of interest to Agamben, as the "rule lives only within the exception" (Agamben, 1995). Spaces of exception exist throughout western democracies to a point of normalisation (Minca, 2006). Wanted persons are subject to extra-judicial rendition; this includes Australian and New Zealand citizens who have been killed extra-judicially (Al Jazeera, 2014; The Guardian, 2014). The previous 'nomos' has been dissolved and the new Biopolitical order has replaced it. The sovereign is now de facto producing the exception to be able to operate freely within the new norm (Minca, 2006). States use of migration management often entails efforts to regulate populations by altering citizenship rights, and efforts to regulate populations through detention. Detention has become a key element of contemporary migration management and is the clearest form of biopolitical control on migrants, there are other forms of regulating migration.

2.3.1 Regulation

The regulation of migration is largely done through the implementation of policies, the attempt to control both legal and illegal migration. Migration regulation has strong links to foreign policy, such as the signing of bilateral migrant quota agreements. For example, Spain accepts an annual quota of Moroccan migrants as a means to regulate the number of illegal migrants. A provision of the agreement is that Morocco accepts irregular migrants if returned within 72 hours (Geddes and

Scholten, 2016). The Greek government has a similar agreement with Turkey, as does Italy with Albania (Geddes and Scholten, 2016).

Developing nations in the global south have pursued policies that promote workers traveling abroad for both training and work, which in turn assists the economies of developing countries as remittances flow back home. Conversely countries in the global north have increased the restrictions on both legally entering migrants and refugees in a largely unsuccessful attempt to reduce the flow. These differing policies on migration are a cause of tension between north and south countries (Massey and Taylor, 2004). Duffield (2006) believes that states use racism as form of biopolitical control on regulating migration. Racism creates marked divides in populations and modern state racism can narrate a discourse that migration is an 'invasion' and a loss or replacement of how things were historically. The migration related tension between north and south countries has roots in decolonization after the Second World War, with the threat that unregulated migration for southern to northern countries is a threat to the welfare of society. Since the mid 1990's within European Union, countries have restricted the number of people moving from certain countries by offering trade and other developmental assistance. Additionally, during the same time period asylum seeking has been increasingly criminalized. In the UK the Terrorist Act of 2001, made British courts able to have jurisdiction over acts committed overseas and power to detain without trial. The UK's approach to immigration control is largely determined by the geographic nature of an island nation, with most emphasize on the border and other entry controls (Doomernik and Jandl, 2008). This is further underpinned by the UK's refusal to join the EU's Schengen agreement. The UK also punishes immigration offences such as overstaying or non-compliant employment as criminal offences and can result in prison and or deportation. Doomernik and Jandl (2008) state that there is a gap in migration regulation policy and the way in which in policy is used in practice and that many countries do not wish to close this gap.

2.3.2 Citizenship

Citizenship has changed in the post-cold war era, people are increasingly transnational and can have links and ties all over the world. Kofman (2005) states that migration is one of the contributing factors to this change in citizenship. Citizenship rights are not shared equally across a population. For example, in European nation states with managed migration, a points systems and employment programs are used to ensure assimilation. The securitization of the state following September 11 2001 has resulted in the state using citizenship as a way to protect national identity and this was achieved through the management of migrants. Kofman (2005) believes that this management has created a system in which citizenship exists as different strata. These stratified levels of citizenship

exist for migrants, refugees and asylum seekers. Different social groups are granted rights which can either assist or discourage migrants from settling and or gaining citizenship. Access to the country maybe temporal, with migrants holding long term residency or temporary residency. This temporary residency is often accompanied with reduced rights, lesser access to economic and social assistance. This reduced status is used to block access to gaining citizenship rights. The concept of variegated citizenship has been further developed in the context of migration studies as a method of migration management. Citizenship is represented through passports, which entitles the passport holder to political rights and access to move and participate within a nation state. The use of variegated citizenship allows governments to benefit from the capital and labour of migrants without having to provide the same level of rights as citizens (Ong, 1999). The use of variegated citizenship is a widely-recognized element and outcome of contemporary migration management, as the classification levels of citizenship can change the access to benefits and rights. The idea of layered citizenship is a biopolitical consequence, in which governments decide access to rights as a population, by discerning requirements such as age, language, ethnic group, educational background (Ong, 1999).

2.3.3 Detention

The modern biopolitical state has increasingly attempted to control the movement on peoples, often under the guise of securitisation (Hodge, 2015). The modern securitisation of the border contradicts the neoliberal ideals of western democracies and has been analysed from a Biopolitical viewpoint. Immigration policy has changed in response to keep people safe from the threat of terrorism, which has resulted in detaining refugees and asylum seekers, who have been reduced to bare life (Minca, 2015). Mountz *et al.* (2012) have provided a conceptualizing for detention practices. The practices around immobility have had less focus by geographers instead focusing more on mobility, however there is a need for further analysis of immobility and detention practices as most western nations have expanded their migrant detention regimes. Detention can be paradoxical at times, but can be used to view spatial assemblages of power. This detention seeks to both make the individual immobile to enter the country while mobilizing the collective enemy which is the unlawful person. Detention as practice is used to regulate migrant mobility that is deemed unlawful. This practice is implemented through technologies that can manage and control the mobility of people though borders. Organisations such as the IOM (International Organization for Migration) helps countries establish these border management systems and facilities (Minca, 2015). These facilities make migrants invisible, as they strip a person's identity by detaining them in isolated locations. These locations can be rural areas or inaccessible islands, surrounded by fences which control migrants both spatially and temporally. All migrants can quickly become detainable, where they can be

threatened with criminal proceedings or deportation. The state can therefore use the criminalization of migrants as circular reasoning to legitimize their detention, as their detention therefore makes them criminal. As a migrant may potentially be a criminal they should be detained and therefore because they are detained they must be a criminal. Additionally, the removal of the migrant's identity produces further belief of criminal nature as the detention facility staff have to retain the thought that a migrant could possibly be a wanted person. Another detention technique used is the transferal of migrants to other detention facilities, ensuring that the migrant stay is temporary and is unable access legal support or contact family. Hyndman (2012) states how the demand for skilled migrants in the global north has created a global market for acquiring the best of what the world has to offer while excluding the uninvited, unskilled migrants.

2.4 Conclusion

This chapter follows the development of migration literature and the increasing role that state actors have in the management of migration. Early theories within the migration literature have had the shortcoming of not understanding the role that the state has in migration. Theories such as functionalist and historical-structuralist focus on the migrant themselves or the economic reasons for migrating and do not incorporate the how the state manages and influences migration. The governance of migrants involves complex regimes to control migrants. Foucault's Biopolitics and further development by Agamben help conceptualise and understand the practices of nations states to manage migration. Migration management entails three main techniques to govern migrant populations. Regulation through policy, altering citizenship rights, and ultimate control through detention.

Chapter 3: Research design

3.1 Introduction

This chapter discusses the approach and methods used in the thesis. This research is a qualitative case study and this chapter will cover how and why the research is designed in this way. This chapter will cover what sources of data will be used and why other methods of data collection are unfeasible. Using qualitative research, the deconstruction and analysis can be performed on textual material. The sources of this material, included the analysis of media and policy documents. This material and analysis allows the exploration of the management of New Zealand migrants living in Australia.

3.2 Qualitative case study

Qualitative research is a powerful tool in Human Geography as it allows the clarification and exploration of complex human interactions, environments and social structures. Qualitative methods are established techniques in geographic research and can provide great insights in to social phenomena (Hay, 2000). While Qualitative techniques have historically been often viewed as subjective, with quantitative research being more objective. This difference is now largely seen as a false dichotomy in geographic research (Clifford et al, 2016). To compete the aim of exploring the management of New Zealand migrants living in Australia, qualitative research has been used. Through textual analysis the discourses of New Zealand migrants in Australia can be uncovered. This will also help complete the objectives of examining the governmental and media representations as well as the key policy shifts which has effected New Zealand migrants in Australia.

This research required the use of qualitative research, as it allows the study of the complex and intangible, such as discourses or societal structures (Hay, 2000). Qualitative research can study social, cultural, environmental, political and economic phenomena, that could not otherwise tangible be studied by quantitative research. While qualitative research can also be used to explore the human experiences of places and events, the aim of this research will focus on documentary data for example the policy and media representations of the discourses of New Zealand migrants to Australia. This choice to not focus on the individual experiences of New Zealand migrants Australia is because the focus on documentary data allows the research to examine the management of New Zealanders not at an individual level but as a larger population scale.

3.3 Documentary data

The data that was used was secondary data, which is data that was collected or compiled by people other than the researcher (Hay, 2000). Using secondary data was deemed the best way to achieve the aim as there would be issues in both collection and analysis of primary data in this field. The potential collection of primary data that would fulfil the aim would involve individual's opinions and experiences. The problem is that the people who have been subject to the most management by the trans-Tasman Migration Regime are the people who have been detained in inaccessible offshore detention centres, such as Christmas Island. Collection of primary data from detained migrants would have been unachievable as these people are inaccessible to outsiders. If these detained people could somehow be accessed and interviewed and their accounts would provide little insight and only a single layer into the Australia/ New Zealand migrant apparatus. There would also be a myriad of ethical considerations from collecting primary data from detained people. These ethical considerations are complex due to the people who are in detention have largely committed a criminal offence which can create issues such as informed consent, confidentiality, power relations.

The workers at the detention centres or any Australian Border Force employees cannot be used as key informants. This is because of the Australian Border Force Bill 2015 which makes all Australian Border Force employees, as well as doctors and nongovernmental workers commit a criminal offence if they record or disclose any information about the detention centre or its occupants. If a person discloses any information they face a punishment of two years in prison (House of Representatives Australia, 2015). Because of this inaccessibility to primary data, the decision was made to use documentary data. The advantage of collecting this secondary data was that there is a large base of source material to gather from and that it is key to analyse this discourse. Secondary data was also useful in this research as it provided a sense of scale, broad enough to capture a discourse between two countries. Primary data collection of a similar scale which would capture the management of the New Zealand population in Australia would not be possible by a single researcher in the time frame of a master's thesis. The primary disadvantage of secondary data was that there is no control over the quality of the data and there can be gaps in the data (Hay, 2000).

The type of secondary data that was collected was documentary data. The documentary data that was collected for this research was split into two different categories, official and nonofficial sources. Official data will include information from sources such as government agencies and non-government groups or authorities. Data from these sources can be considered reliable due to their official nature, which is assumed to be correct with information from western industrialised countries (Cloke et al., 2004). This is not to say that official information cannot be viewed sceptically. With state information, the way in which the data was collected and presented can shape and be

shaped by policy. The processes of legitimization exists in governmental data, in which other data and information is excluded or discredited. Official data such as policy documents help achieve the aim as it provides the viewpoint of the discourses around New Zealanders in Australia from the institution standpoint.

Non-official data will include information predominantly from the media such as the news articles. This data from the media is important as media provides inter-population opinion and can reinforce discourses. Using news articles as a non-official, factual source can provide rich insight into social phenomena (Cloke et al., 2004). News media tells people what is going on in the world and can shape public opinions. News reporting can be used to analyse both political and social structures. These structures can be made and perpetuated by the media by reporting on what is and is not news worthy (Hay, 2000). It is important to recognise the importance that discourses have on shaping public opinion and in turn its influence on policy (Cloke et al., 2004) There can also be institutional bias in the media outlet, such as reporting on news that appeals more to the demographics of the viewership (Hay, 2000). Discourse's are shaped by people being influenced by the world and the way ideas are portrayed to them. This makes this non-official data collected by this research just as important at official data, because it has the power to shape the opinions and views of the public and policy makers alike.

The data was collected from a number of sources. For official data, internet searches were also done on the websites of both Australian and New Zealand Parliament websites. These websites provided the relevant Hansards, minutes, chamber documents and legislation. Other governmental department websites were searched such as the Australian Department of Immigration and Border Protection and Department of Human Services and the New Zealand Treasury, Ministry of Foreign Affairs, Ministry for Culture and Heritage and Department of Corrections. In addition to governmental departments, diplomatic missions both countries were also official sources, specifically the Australian High Commission in Wellington and the New Zealand High Commission in Canberra. These governmental organisations are relevant as they produce official reports on the status and strategy of their relevant fields and interests. These organisations have a number of strengths such as the benefit of being bipartisan, having access to greater resources both financial and access to other governmental department sources. This information also has the benefit of being longitudinal as governments have comprehensive records such as past policy. There were also searches on Non-governmental organisations websites for official data, such as the New Zealand Law Society, the Australian Human Rights Commission, Red Cross, Amnesty International.

For non-official data news media was largely used. This was done by searching the key words of on both Australian and New Zealand news websites. In addition to searching directly on news outlets the websites of Factiva and ProQuest were used. These website aggregate newspapers, magazines, radio and television transcripts. The key words that were used as follows: “detention” “New Zealand” “Christmas Island” “trans-Tasman travel arrangement” “trans-Tasman relations” “Australia” “Migration Act 1958” “Visa cancellations” “Section 501” “Dole Bludger” “closer economic relations” “trans-Tasman”

3.4 Discourse analysis

Once the data was collected it was analysed. Textual analysis can deconstruct what is written and provide insight into what inscribed and unstated meanings are in the text (Gomez and Jones III, 2010). Textual analysis can expose and convey discourses, such as ideas represented by the media creating ideas from crime rates to national identity (Clifford et al, 2016). Discourses are the naturalisation and legitimation of representations and practices of social groups (Clifford et al. 2016). The power relations between social groups can be seen through dominating discourses as it can show groups asymmetrically. Using an analytical approach a discourse analysis was employed, which sees the text itself as the object of the research (Hay, 2000). Discourse analyses have the strength of being an optimal way to examine policy and the resulting social change. While New Zealand migrants only were detained in Australia after the 2014, ‘501’ amendment to the Australian Migration Act 1958, there are a number of preceding policy changes which have accrued to this policy. Discourse analysis has the advantage of being able to look at all the influencing factors relating to New Zealanders in Australia, from the early 1900’s to those leading up to this policy change. The researcher using Discourse analysis looks at the ways in which language is used and shapes social practices. Discourses create real world social effects on identities, relations, cultures and institutions (Clifford et al. 2016).

3.5 Conclusion

The design of this research employs qualitative research to better understand changes to the management of New Zealand born migrants living in Australia. Using documentary data from official governmental and non-official media sources. This data provides insight the policy and discursive changes to the status of New Zealand born migrants can be viewed. Data was collected from Parliament websites, news media and news media aggregate websites. The data was then reviewed through textual analysis to show and break down the policy and discursive changes.

Chapter 4: From Solidarity to Selectivity: The New Zealand Migrant in Australia, 1901 TO 2001.

4.1 Introduction

This chapter traces the evolution of efforts to manage migration between New Zealand and Australia from 1901 to 2001. These changes have been constructed through complex discourses and practices and in order to unpack this the rich history of the trans-Tasman relationship the policies are not only related to migration, but also include policies that are related to military defence and economic fields as shown in Figure 1. Policies from 1901 to 2001 show the building of the trans-Tasman relationship which has expanded the citizenship rights and slowly had increasing regulation. Many of these policies have been shaped around the discourse of an Australia–New Zealand special relationship. This special relationship was one of solidarity, with its origins in the formation of a joint army corps and the Gallipoli Campaign of the First World War. There has also been an emerging discourse of the ‘Kiwi Dole Bludger’ in the latter half of this time period, which had negatively affected New Zealanders in Australia. This discourse of Dole Bludging led to the emergence of policies that are more selective of New Zealanders.

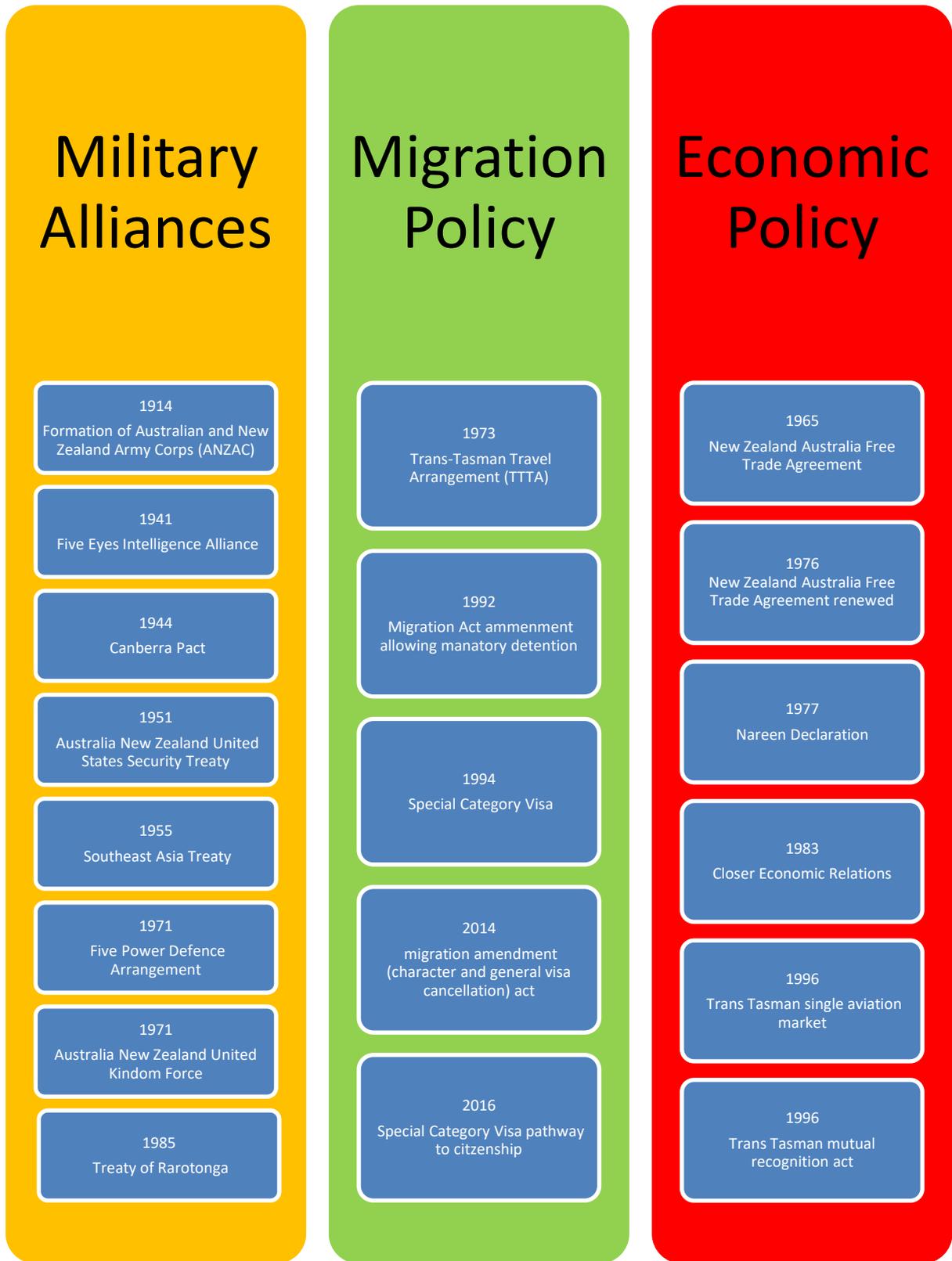


Figure 1 Policies and Alliances between New Zealand in Australia

4.2 Relations of Commonwealth solidarity

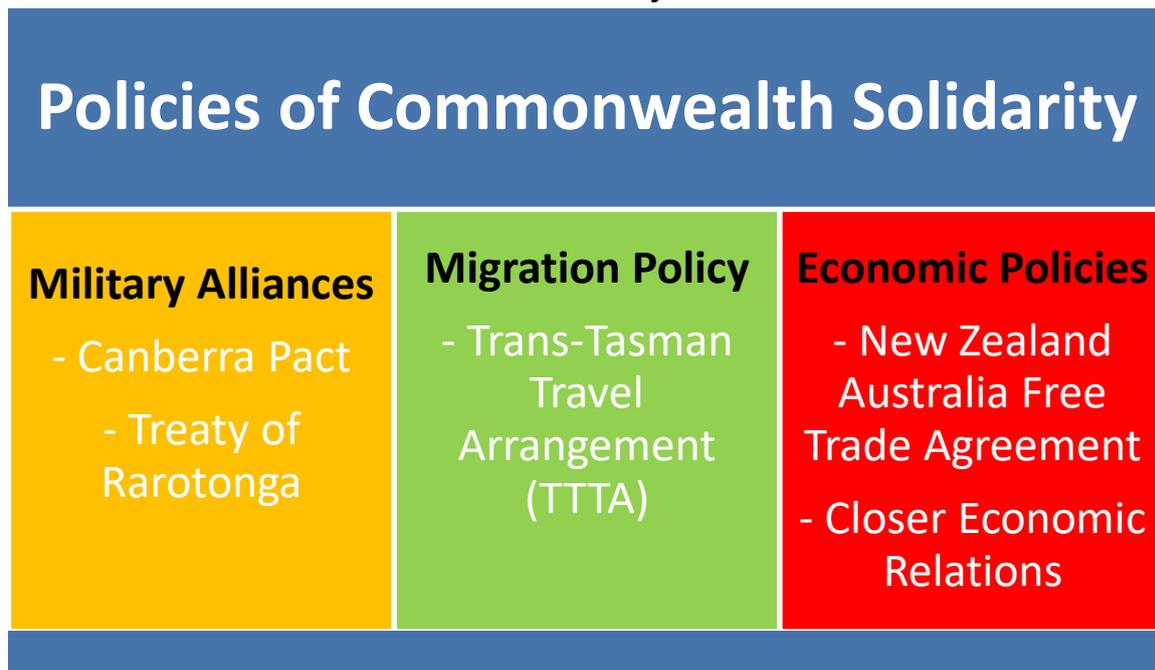


Figure 2 Policies of Commonwealth Solidarity

Australia and New Zealand have shared historic ties since early colonial history. This shared history is important to understand the development of the management of New Zealand migrants in Australia. This management is the result of aggregating changes in policy and discourses starting in the early 1900's. Many of these early policies were inclusive of New Zealand migrants to Australia, as seen in figure 2. Both countries were British Crown colonies, with New Zealand being administrated as part of the New South Wales colony until 1841. In 1901, New Zealand opted out of joining the Australian Federation. The two countries have an intertwined foundation of nationhood, stemming from the Gallipoli Campaign of the First World War and the formation of the Australian and New Zealand Army Corps (ANZAC). With Australia becoming self-governing in 1901 and New Zealand in 1907, the Gallipoli Campaign, starting in November 1915, was a foundational historical moment for both nations. The Gallipoli Campaign failed and due to the harsh conditions and high casualty the term ANZAC has become both a symbol of remembrance and an expression of solidarity between the two nations. In the Second World War both Australia and New Zealand faced the threat of attack (Northern Australia was bombed and Australian overseas territory was occupied) by the Empire of Japan. Due to the fall of Singapore, Britain was in no position to help defend. Australia and New Zealand signed the Canberra Pact in 1944, in which the two countries agreed to work together on international issues (Brosnan and Poot, 1987);(Carmichael, 1993);(Gorbey, James, and Poot, 1999). Despite British and American opposition, Australia and New Zealand agreed to:

- a framework for consultation on matters of common interest

- assert their right to be involved in setting peace terms and in the creation of any post-war international organisation
- the creation of a regional defence zone stretching across the Pacific from Australia to Western Samoa and the Cook Islands
- support the principle of trusteeship for the remaining Pacific Island colonies
- set up a regional commission to advance economic, political and social development in the 'South Seas' (New Zealand Ministry for Culture and Heritage, 2016).

Australian and New Zealand governments, subsequently, established a number of intergovernmental defensive military alliances. These included the Five Eyes Intelligence Alliance (Australia, Canada, New Zealand, the United Kingdom and the United States) in 1941, the Australia, New Zealand, United States Security Treaty in 1951 (ANZUS), the Southeast Asia Treaty Organization in 1955 (SEATO), the Five Power Defence Arrangements (FPDA) and ANZUK (Australia, New Zealand and United Kingdom) force in 1971. In 1985 both Australia and New Zealand drew up the Treaty of Rarotonga, which banned the use and testing of nuclear weapons in the South Pacific Ocean, in condemnation of French testing in the region (Jenkins, 1985).

After the Reagan administration severed New Zealand from the ANZUS Treaty, Australian Prime Minister Bob Hawke tried to mediate relations between New Zealand and the United States hoping to return "our normal collaboration and preservation of our special relationship as allies" (Ali, 1986). This 'special relationship' referred to by Bob Hawke continues to be an enduring comment about the nature of the 1901-2001 trans-Tasman relationship and shows that the close ties between the countries were built about working together. The solidary and special relationship between Australian and New Zealand was a driving force in the cooperative agreements and policies between the two countries. The friendly relationship was instrumental in both countries extending preferential rights to citizens of the other country.

The Trans-Tasman travel arrangement came into effect in 1973, allowing citizens of either Australia or New Zealand to live and work in the other country (Poot, 2010). Prior to the of the 1960's the was equal portion of population living in the other country. In the late 1960's there was an unequal growth in the in the population of New Zealander's living in Australia relative to the number of Australians living in New Zealand. This growth in the population of New Zealanders in Australia is linked to the recession in the New Zealand economy in 1967/68. The price of wool exports fell by 30% which resulted in unemployment, inflation and New Zealand's first net migration loss (Ministry for Culture and Heritage, 2016). Prior to the 1967/68 recession New Zealanders had a higher income than Australians when adjusted for inflation. While the Australian economy continued to grow, the

New Zealand economy struggled to grow and even declined in the periods during the late 1970's, late 1980's and early 1990's. The economic stagnation of New Zealand has been an important driving force in the migration of New Zealanders to Australia (Poot, 2010).

4.3 Relations of economic selectivity

The early trans-Tasman relationship was based on shared colonial and military ties; however, the nature of this relationship began to expand into other areas following the Second World War. This expansion included shared migration, bilateral trade agreements and discussion of forming an economic and monetary union. After the Second World War the trans-Tasman migration flow was predominantly Australians moving to New Zealand (Brosnan and Poot, 1987), as New Zealand was experiencing major economic growth due to a boom in the wool market because of high demand from the United Kingdom. From the late 1940s to the early 1960's New Zealand's economy was based on exports to Britain (Easton, 2005). Brosnan and Poot (1987) state that trans-Tasman migration was driven by common language and close proximity between the two countries. If an Australian wanted to move country, New Zealand was seen as the primary choice as it was inexpensive and was not subject to any immigration controls. Prior to 1974 all British subjects had free entry rights into New Zealand. In 1966, the price of wool dropped by 40% ending the wool boom which created a recession with unemployment and inflation growing in New Zealand (Ministry for Culture and Heritage, 2016). The 1966/1967 recession caused the first net migration loss for New Zealand since the great depression, and from the late 1960's to the 1980's, there was a steady increase in the number of New Zealanders migrating to Australia (Poot, 2010). In that time period 42% of emigrating New Zealanders left for Australia, while only 12% of Australian departures came to New Zealand. Trans-Tasman migration was cyclical and was affected by changes in demand for labour in both countries, with workers crossing the Tasman for increased job opportunities. This migration for work created in a transnational population that felt at home in either country (Brosnan and Poot, 1987). Prior to 1973 neither country managed migration from any other commonwealth country and had informally allowed the movement of commonwealth citizens (Carmichael, 1993). The right for Australian and New Zealand citizens to freely move between, and work in, both countries was formalised in the 1973 Trans-Tasman Travel Arrangement. This was the first policy to ensure some citizenship rights would be granted in both countries. Since then, there has been a steady increase of New Zealanders living in Australia while the number of Australians living in New Zealand has had no substantial growth relative to its population size (Poot, 2010). In the 1961 New Zealand Census, there were 35,412 Australian-born people residing in New Zealand (Statistics NZ, 2014).

The New Zealand Australia Free Trade Agreement of 1965 was the first preferential trade deal and attempt at reduced regulation and economic integration between Australia and New Zealand, resulting in increased trade across the Tasman through removal of tariffs on 80% of trade (Australian High Commission, n.d.). Prior to this Australia and New Zealand had not been strong trading partners as both countries largest export market was the United Kingdom. With the UK seeking to join the European Economic Community (EEC), Australia and New Zealand's commonwealth preference trade deals with the UK were under threat and, as a result, the two nations began to look more intently toward each other for trade opportunities (Nixon and Yeabsley, 2010). Prominent New Zealand economist and politician Bill Sutch (1966: 7) argued that the New Zealand Australia Free Trade Agreement would "aggravate the balance of payments position and at the same time result in New Zealand being unable to sustain her population at existing levels of real income per capita". Bill Sutch's academic contributions were later overshadowed in 1974 when he was accused of being a KGB spy (New Zealand Ministry for Culture and Heritage, 2016). There was however a large amount of positive support for the agreement (McDougall, 1966). The perceived benefits of the agreement for New Zealand included: (1) increased international negotiating power as the two countries would be negotiating for the same interests, (2) access the benefits of Australia's vast primary resources. While Australia benefited from New Zealand labour (McDougall, 1966). The integrated economies were thought to reduce the vulnerability of both the Australian and New Zealand economy to external market shocks. There was also debate at the time if an economic integration would lead to a customs union and then potential political integration (Nixon and Yeabsley, 2010).

The New Zealand Australia Free Trade Agreement never fully achieved the status of a free trade regime for two main reasons. Firstly, there were no requirements to remove existing quantitative restrictions on imports. Secondly, tariffs were kept on products that could harm profits of domestic goods in the other country (Gold and Thakur, 1982). The New Zealand Australia Free Trade Agreement resulted in both countries becoming the largest importer and exporter of each other's goods. New Zealand Australia Free Trade Agreement was renewed in 1976 for 10 more years however Australian manufacturers were becoming increasingly dissatisfied with competing against New Zealand manufacturers. The New Zealand manufacturing market was protected under an import licensing system which locked out Australian manufacturers from the New Zealand market. This dissatisfaction led to an official demand by the Australian government in 1977 for increased access into the New Zealand market, which was accepted by the New Zealand government. New Zealand Foreign Minister Brian Talboys said "the time has come for New Zealand to recognize that our relationship with Australia is more important to us than our links with any other country in the world" (cited in Ministry of Foreign Affairs, 1977: 28). Gold and Thakur (1982) state that this was the

first time that a dispute between the two countries had the potential to damage the wider trans-Tasman relationship. Talboys went on a three-week diplomatic mission to Australia, visiting politicians and union leaders. The mission successfully resolved the dispute and the 'Nareen Declaration' was made between Talboys and Australian Prime Minister Malcolm Fraser to continue to work towards liberalising trade across the Tasman (Brown, 1999). The 'Nareen Declaration' led to the formation of an Australia-New Zealand business council which aimed to "to promote trade and to assist the development of close economic relations between the two countries" (Ministry of Foreign Affairs, 1978: 27). From the Nareen Declaration Prime Ministers Fraser and Muldoon met and discussed future options for free trans-Tasman trade, such as customs, economic, monetary and political unions. From the Prime Ministerial meeting, it was agreed that N.A.F.T.A would require a complete overhaul and a new free trade agreement was essential (Gold and Thakur 1982).

A contentious sporting event caused minor tension in the relationship, the 1981 underarm bowling incident occurred during an international cricket game. A player from the Australian national cricket team delivered a ball underarm to ensure their victory, while the action was legal in the rules of the game, it was seen as unsportsmanlike. This incident drew commentary from the Prime Ministers of both countries, Malcolm Fraser and Robert Muldoon both condemning the incident, and memory of the event lives on in the national psyche of New Zealanders (Ministry for Culture and Heritage, 2016).

The resulting agreement, called NZ-Australia Closer Economic Relations (CER), came into effect in 1983 and built upon the earlier New Zealand Australia Free Trade Agreement of 1965. The primary component of the CER agreement was the removal of trade tariffs by the 1988 and removal of qualitative restrictions on imports by 1995 (Gold and Thakur 1982). Other parts of the CER agreement included stabilisation measures for agricultural produces, exporting incentives, discounted government purchases in the other country, standardisation of product labelling and testing requirements. Concerns were raised at the time specifically targeting New Zealand migrants in Australia as being detrimental to the Australian economy (Pope, 1985). It was believed that New Zealanders were displacing Australian in the workforce as New Zealand migrants had higher employment rates than Australian workers. The concern stated that migrants 'diluted' Australian productivity and would cause a lower standard of living in the country. However New Zealand migrants were seen to have some redeeming qualities, such as the migrants having a higher average level of education than the average Australian. This marked a change in which New Zealand migrants were being viewed in Australia. In the New Zealand Australia Free Trade Agreement there was a

view that Australia was benefiting economically from New Zealand labour however the growing concerns portray New Zealand migrants as an economic liability.

New Zealand born migrants were becoming to be perceived differently within Australia. In 1988 an article published in the *Sydney Morning Herald* titled "Why the Kiwi invasion is now a stampede" claiming an increase in the number of New Zealanders migrating to Australia, at the rate of 43 people a day. The article claimed that the New Zealanders who did migrate to Australia, were mostly moving to Queensland and for economic reasons, specifically cheaper housing and cost of living (Roberts and Hallaby, 1988). The article quoted two anonymous New Zealanders who had moved. The first who claimed to be in the upper end of the income bracket saying: "There is a real perception in the Australian public that we're a bunch of dole bludgers and we don't want to be identified with that. Sometimes they roll their eyes as soon as you mention you come from New Zealand" (Roberts and Hallaby, 1988).

The New Zealand Department of Immigration, Local Government and Ethnic Affairs created a report to understand the stereotype of 'dole bludging Kiwi's'. The report title 'A Pack of Dole Bludgers? The distribution and selected characteristics of the New Zealand-born population in Australia' covered a number of reasons why this stereotype exists (Howell, 1988). Such was the perception that New Zealanders were dole bludgers and the associated high unemployment in New Zealanders was found to be not based in fact as proven by the Australian Bureau of Statistics. A suggested reason given for this perception of unemployment was that due to the mobile nature of the New Zealanders. Many New Zealanders move without having a confirmed job and many were willing to move around Australia for a new job as they were not bound to a location by family or friends (Hogan, 1988).

In 1989, New Zealand pushed for a full defence union with Australia. New Zealand's suspended status in the ANZUS treaty resulted in New Zealand wishing to expand the Closer Economic Relations agreement to defence. Trans-Tasman ministerial talks discussed ways of broadening the 'special relationship'. New Zealand Prime Minister Geoffrey Palmer said that "Australia's Kiwi cousins would be there in the event of conflict" (McIntosh, 1989). New Zealand's Attorney-General and former Prime Minister David Lange travelled to Australia in 1990 to advocate for a defence union. Lange argued that due to the economic collapse of the Soviet Union the threat of nuclear war was diminished and that the Australian-US military relationship was now redundant. The proposal was to consolidate both defence forces to reduce military expenditure (Hastings, 1990).

In 1990 the New Zealand Trade Development Board commissioned a study on trans-Tasman opinions. The findings of this study showed that the Australians thought that New Zealanders were

“dirty, unfashionable and poor”. The only positive comment was that New Zealanders were thought to be hard workers. The Australians in the survey would also buy Australian goods over those from New Zealand as the goods were seen as "poorer quality, higher price, less value for money, less stylish, less reliable, and with poorer after sales service" (Whelan, 1990). The New Zealand Minister for External Relations and Trade, Mike Moore said the report found that "New Zealanders' reputation as immigrant dole bludgers remained relatively strong". The Manufacturers' Federation Chief Executive Wally Gardner said of the report results "Unfortunately for them, in the last few years we have done extremely well at their expense - sending twice as many Kiwi products into Australia than vice versa ... We don't care what they think of us or our products as long as they keep buying." (Whelan, 1990).

Of the OECD countries, the Australian labour market is one of the most influenced by international migration (Hugo, 2006). Since the 1990's there has been a shift in focus by the Australian government to attract temporary migrants rather than permanent migrants. Temporary migrants, through a range of different visa categories are estimated to make up 400,000 full time jobs in Australia. Discerning the total number of temporary labour migrants in Australia is difficult as the primary source of information, arrival and departure cards does not specify if people are tourists or workers. The number of issued work visas does not provide comprehensive information as New Zealanders do not need to apply. New Zealand citizens are one of the largest group of non-permanent labour migrants within Australia. Hugo (2006) argued that Australia and New Zealand could effectively be viewed as a single labour market. Temporary migrants in Australia are both high and low skill workers and largely concentrated in specific sectors. High skill migrants are employed in occupations such as managers, professionals, doctors, nurses, university teaching staff and IT workers. Low skill temporary migrants are typically employed as seasonal agricultural crop harvesters in the fruit, vegetable and viticulture industries. There is also a number of workers employed as wait staff and in the hospitality and tourism industry.

In 1992 the Australian Migration Act 1958 was updated again to expand the powers of detention to non-citizens of Australia. The amendment to the migration act introduced indefinite migration detention as well as mandatory detention on arrival for those who arrived in Australia without visas. The policy also made the detained non-citizens in Australia without visas, unable to access or appeal to the courts (Easterbrook, 1992). At the time this mandatory detention of all non-citizens without visas was not extended to New Zealanders as they had the right to free movement, however the later introduction of a visa in 1994 made New Zealanders detainable if their visa was cancelled. The indefinite detention policy replaced the previous policy of 'designated persons'. 'Designated

persons' were still subject to mandatory detention and removal; however, the detention of these individuals was limited to 273 days. This policy was rushed through the Australian parliament and was contested in the High Court of Australia. All seven judges of the High Court upheld the policy as it ruled that the federal government had the sovereign right to detain people entering the country illegally (Millett, 1992). The Refugee Council of Australia condemned the change in policy as there was a presumption of guilt on the asylum seekers until proven innocent. Margaret Piper executive director of the Refugee Council of Australia said "The most obvious deterrent is, of course, the imposition of mandatory detention for all asylum-seekers arriving without proper documentation. The use of detention as a deterrent is, of course, highly contentious." Her criticism of the detention process comes as Cambodians, held in detention centres awaiting the determination of their applications, this month mark the third anniversary of their arrival in Australia. "By seeking to make things as difficult as possible for refugees to get to Australia and to gain recognition of their status, (by) resorting to measures that deny applicants their fundamental human rights ... we are shirking our international responsibilities and demonstrating our callousness" (Easterbrook, 1992: n.p.). The United Nations High Commissioner for Refugees criticized Australian policy of mandatory detention in 1993. Stating that the Australian government had failed to correctly inform people in immigration detention that their time in detention was open ended. Pierre-Michel Fontaine, United Nations High Commissioner for Refugees representative in Australia said that the Australia had the harshest anti-asylum seeking policy in the western world and that many of the detained are legitimate refugees fleeing persecution (Easterbrook, 1993).

In May 1992, Australian immigration minister Gerry Hand submitted a request from the Australian Workers Union to abolish the trans-Tasman Travel Arrangement due to the belief that New Zealanders were taking away jobs from Australian citizens. At the time, Australian shearers were camping outside Parliament House in Canberra in protest that New Zealand shearers were working longer hours and were taking away jobs from locals (Easterbrook, 1992). This led to a caucus immigration committee to investigate the trans-Tasman Travel Arrangement. In the submissions to the immigration minister the Australian Workers Union stated that of 42% of all wool shorn in Australia was done by New Zealanders and that over half of the Australian shearers could not find work. Gerry Hand's spokeswoman said that some time would be taken before this issue would be presented to parliament due to its complexity. But also stated that New Zealanders did have a lower than average unemployment rate compared to other foreign nationals (Easterbrook, 1992).

By September 1992, trans-Tasman relations had strained further after Victorian Premier Joan Kirner and New Zealand Prime Minister Jim Bolger had a public dispute. Kirner ran an election campaign

that was critical of the economic policies under Bolger (*The Age*, 2000). Bolger responded by calling Kirner a “whingeing fat lady” who “refused to face up to a desperate need for economic and social reform”. Bolger claimed that “Australia had perfected the art of underarm bowling” (a reference to the 1981 underarm bowling incident) and the attack from Kirner was an attempt to distract from the economic issues in the state of Victoria by attacking and drawing attention to New Zealand migrants (*The Age*, 2000). The result of the Australian caucus immigration committee was a proposal to abolish the Trans-Tasman Travel Arrangement and to introduce visas to stop “those New Zealanders who drop in and drop out and take jobs that can be performed by Australians” (Easterbrook, 1992). The decision to not follow this recommendation was made by the Australian Cabinet, specifically Foreign Minister Gareth Evans and Finance Minister Ralph Willis who did not want to undermine the Closer Economic Relations trade agreement, which was set to remove all trade tariffs by 1995. The Australian Cabinet chose to pursue a report that instead focuses on the claims that New Zealanders were abusing welfare and evading tax in Australia (under the Australia-New Zealand Double Taxation Agreement). The findings of report showed that the 184,000 New Zealanders who were working in Australia made up only 2.3% of the Australian labour force but also 18,798 New Zealanders made up 2.3% of all unemployment benefits. The former Australian minister of immigration Clyde Holding, who was a backbencher at the time said that Australia’s unemployment benefit is approximately \$40 higher than New Zealand’s and because of this New Zealanders were incentivised to enter the Australian labour force. Holding disagreed that abolishing the Trans-Tasman Travel Arrangement would end Closer Economic Relations as New Zealand was to gain more from the free trade agreement than Australia (Easterbrook, 1992). New Zealand High Commissioner to Australia, Ted Woodfield, said of the 184,000 New Zealanders in the Australian work force 70% have lived in Australia for over 5 years and over 50% more than 10 years, making them de facto permanent residents or citizens. Woodfield said that “In that time, many have set up businesses and created jobs for thousands of Australians” and that dropping the Trans-Tasman Travel Arrangement would be “using a sledgehammer to crack a walnut” and would have little effect on overall employment rates in Australia. Institute of Public Affairs Australia senior fellow Des Moore said “Over the same period, however, Australian unemployment has increased by almost 400,000 from 6.7 per cent to its present level of about 960,000 or 11 per cent. This hardly suggests that New Zealanders coming to Australia can be blamed for the increase in unemployment.” He added that “It could just as well, and just as misleadingly, be said that there are close to 700,000 jobs being performed in Australia by English and Irish” (Easterbrook, 1992).

From the 1st of September 1994 Australia changed the status of New Zealanders entering the country. Upon arrival in Australia, a New Zealand citizen would be granted a Special Category Visa

(SCV) which allows them to work and live indefinitely in Australia while still being classified as on a temporary visa. Preceding this change, the status of New Zealanders was not officially defined and this change to a temporary visa status was small part of a wider change in Australia immigration reforms at the time. The wider changes which introduced new classes of visas. Such as visas for de facto partners, maritime crews and changes in how visa applications are made and changes sponsorship of a visa (Millett, 1994). These light restrictions on entry into Australia meant that New Zealanders never needed to formally apply for other forms of visa or apply for permanent residency (Hugo, 2004). This visa was automatically available to most New Zealanders on arrival if they met the conditions of: clearing Australian immigration checks, having a valid New Zealand Passport, meeting health requirements if asked; specifically, not having Tuberculosis, HIV, Hepatitis, Cancer in the last 5 years. New Zealanders who were deemed "a health concern non-citizen" and/or a "behavioural concern non-citizen" were denied entry (Millett, 1994). Justice Michael Kirby of the NSW Court of Appeal said that by introducing a visa even if it is a special category visa would allow cancellations of visas and even deportation. Kirby stated "This 'reform' runs counter to the specially intertwined history of Australia and New Zealand. It contradicts the amity which the leaders of both countries repeatedly express" and ""It will virtually force many New Zealanders in Australia to take out Australian citizenship. I believe that this is contrary to the spirit of the Citizenship Act of this country, under which citizenship should be a free choice of allegiance and association with Australia: not a forced choice for self-protection and guaranteed re-entry." (Kirby cited in Millett, 1994: n.p.).

New Zealand Prime Minister Jim Bolger said the change was "unnecessary" and "disappointing", but also stated that it would have little effect on the immigration of New Zealand travellers. The principle concern from the New Zealand Government at the time was of the use of the word visa, prior to which New Zealanders could enter Australia in the same way as a permanent resident. The official request from the New Zealand Government was to rephrase the classification as to not undermine the pre-existing Trans-Tasman Travel Arrangement (Barber, 1994). There was also concern that this change would halt or delay the plans for the Trans-Tasman Single Aviation Market. This was proposed by Australian Prime Minister Paul Keating in 1992, suggesting a common border between Australia and New Zealand, which would require harmonization of quarantine restrictions and visas measures (Keating, 1992). The Australia-New Zealand Single Aviation Market Arrangements came into effect in 1996 however the visa status of New Zealanders was not changed (Williamson, 1996).

The Trans-Tasman Mutual Recognition Arrangement was signed in 1996 and was ratified by both countries in 1997. The legislation was designed to achieve a single economic market between the

two countries. The arrangement stated that a good “that may legally be sold in Australia may be sold in New Zealand, and a good that may be legally sold in New Zealand may be sold in Australia”. This is regardless of differences in standards or other sale-related regulatory requirements between Australia and New Zealand” (Trans-Tasman Mutual Recognition Act 1997, SI 10) and a “person registered to practise an occupation in Australia is entitled to practise an equivalent occupation in New Zealand, and vice versa, without the need for further testing or examination” (Trans-Tasman Mutual Recognition Act 1997, SI 14). Some exceptions were placed on goods such as fireworks, firearms, pornography and goods subject to quarantine restrictions (Miranda, 1996). New Zealand Prime Minister Jim Bolger said the agreement would be result if cheaper trans-Tasman trade and would aid New Zealanders exporting and working in Australia (Miranda, 1996). Also in 1997, Australian MP Pauline Hanson made a claim that Australia was to be overwhelmed by Asian migrants who were using New Zealand as a backdoor entry into Australia. Hanson also claimed that the true number of Asian migrants to Australia via New Zealand was being covered up. The statements were condemned by the New Zealand High Commission and Immigration Minister Philip Ruddock who said they were fictitious and misleading (Millett, 1997).

In 1998, it was revealed that the Australia government threatened to limit rights of New Zealanders if the New Zealand government did not pass legislation to match Australia. Official Information Act requests show that the Australian government forced New Zealand to introduce a two-year stand-down period before a person can receive unemployment benefits (Bell, 1998). Australia introduced the two-year stand-down in 1996 and the New Zealand Government attempted to negotiate to have this stand-down period be only one year, but was forced to match Australia which happened earlier in 1998 (Bell, 1998). The Australian government said to New Zealand that "Pushing too strongly for continued special treatment for New Zealanders in Australia could have wider implications for the relationship, for example, the trans-Tasman Travel Arrangement may be placed in jeopardy," was said in a Cabinet committee report revealed under the Official Information Act request (Bell, 1998). It was also stated by New Zealand Government officials that the threat of removing the visa-free access to Australia was used frequently whenever Australian officials felt like "rattling sabres" (Bell, 1998).

In 1999 a Joint Prime Ministerial Taskforce was created to review Australia-New Zealand Closer Economic Relations (CER). The Taskforce subsequently released a confidential document making recommendations for the New Zealand government. The Australian government perceived the New Zealand government as not ‘paying its fair share of the costs’ of social security for New Zealanders living in Australia (New Zealand Treasury, 1999: page 3) and that if the issue is not addressed there is

the risk that the relationship between the two countries may become strained in other areas. The recommended action was to not spend an additional \$NZ 30 million per year on social security that Australia was asking for and instead ‘develop a more durable, long term social security arrangement’ (New Zealand Treasury, 1999: page 5). The Taskforce concluded that New Zealanders were of a net benefit to Australia, as New Zealanders living in Australia pay the Australian government “at least \$A2.5 Billion in tax each year, more than offsetting their overall social security costs” (New Zealand Treasury, 1999: page 11). The New Zealand government was worried that if a social security agreement with Australia could not be reached it would have further adverse effects on the trans-Tasman relationship and may lead Australia to introduce “immigration criteria on New Zealanders or further restricting the access of New Zealanders to its social security system. Such changes would erode the free flow of labour across the Tasman” (New Zealand Treasury, 1999: page 11).

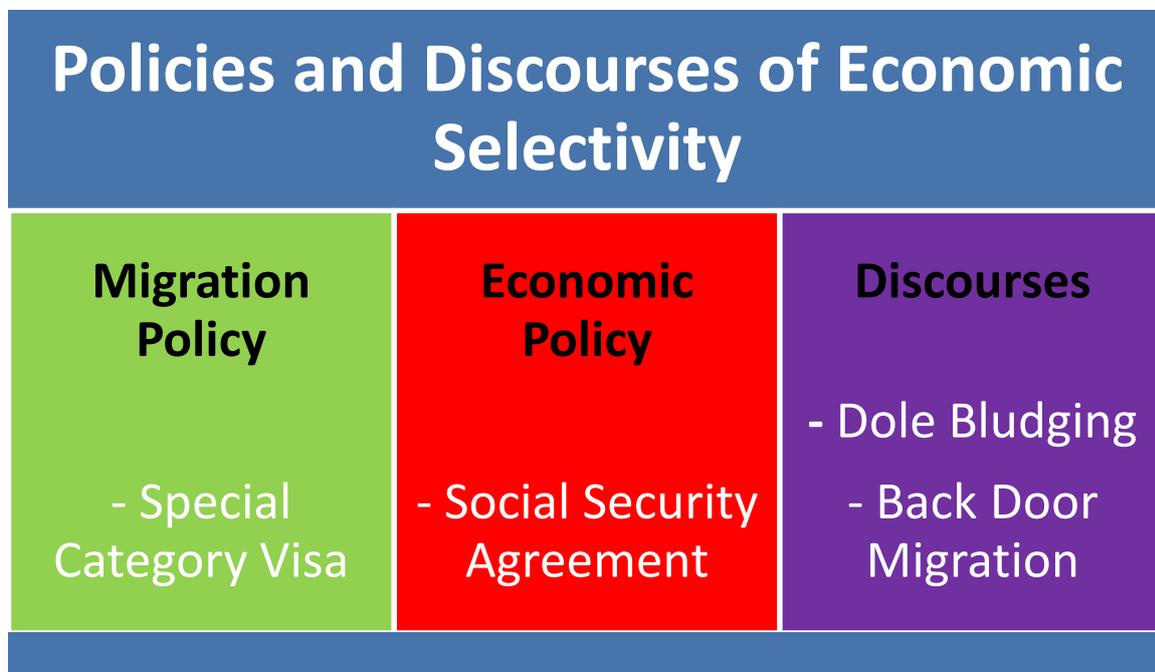


Figure 3 Policies and Discourses of economic selectivity

4.4 Conclusion

This chapter covered the changing policy and discourse of New Zealand migrants in Australia. The Australia and New Zealand special relationship of solidarity is permeated throughout the policies of New Zealanders status in Australia, as shown in figure 2. The key moments of the political trans-Tasman relationship up to 2001 has been the development towards economic integration, however there has been growing underpinning in the media of the ‘dole bludging Kiwi’, as seen in figure 3. The diplomatic disagreements between the two countries have largely been caused by economic problems, with one country believing that the other has not played its fair share. These diplomatic disagreements resulted in Australia becoming increasingly selective of both the New Zealand born

migrants that were wanted in Australia, also selectivity in the amount of rights a New Zealand born migrants should hold in Australia. When diplomatic disagreements have been resolved, this 'special relationship' is cited as the reason for doing so. The causes for these diplomatic disagreements have changed over time from economic issues in the 1960's and 1970's, changing to migration from the 1980's onwards. This chapter covered the conceptual ideas of Citizenship and Regulation which were granted to New Zealanders homogeneously. Due to the asymmetric nature of the relationship the rights given to New Zealanders in Australia have decreased as negative discourses about New Zealand migrants grew, such as the belief that New Zealanders were costly to Australian social welfare and the subsequent Social Security Agreement. Additionally, due to visa reclassifications, New Zealanders have become vulnerable to Australia's migration detention system.

CHAPTER 5: Selectivity and Security: The New Zealand Migrant in Australia 2001 TO 2016

5.1 Introduction

At the end of the 1900's Australia was starting to call into question the trans-Tasman relationship, as New Zealanders were increasingly view as a problem. This chapter covered the conceptual ideas of selectivity and security. The events of 2001 were a catalyst for changes in Australia's migration detention system, and through that effected New Zealand born migrants in Australia. Chapter five will cover the further increasing regulation, the reduction citizenship rights and introduction of detention to manage New Zealanders. The events of 2001 to 2016 show the links between the Australian government's actions and the wider literature on migration management. Due to changes prior to 2001 New Zealanders were vulnerable to the migration management regime. The introduction of national security concerns resulted in the increasing of the Australian government's migration management regime. The increasing size of this regime resulted in practices of detention being extended to all non-citizens of Australia and therefore New Zealand born migrants. The reduction of citizenship rights became increasingly viewed as unfair, but as the migration management becomes increasingly complex it becomes a point of contention, but increasingly difficult for people caught in the system to resist.

5.2 Relations of moral selectivity

On the 26th of February 2001, a new bilateral social security agreement was announced between Australia and New Zealand. The 2001 Social Security Agreement outlined which benefits would and would not be granted to Australian and New Zealand citizens who had migrated to each country. Australia removed a New Zealand migrant's rights to access unemployment benefits, eligibility to become citizens and sponsorship of migration of family members (Hugo, 2004). This change was the first policy which formally introduced reduced citizenship rights to New Zealander living in Australia. Prior to this New Zealand born migrants in Australia had similar rights as a permanent resident, however after this 2001 change New Zealanders had variegated citizenship in Australia. Poot (2010) states that this change in access was due to the growing concern in Australian media that migrants of other countries were using New Zealand as 'back door' entrance to Australia. There were also earlier beliefs in Australia that the New Zealand migrants often had a criminal background, that they were 'dole bludgers' and taking jobs away from Australians (Brosnan and Poot, 1987). At the time New Zealander's were the second largest overseas born group residing in Australia (Hugo, 2004). Following the changes to the Social Security Agreement were announced, the Australian Immigration

Department issued a public statement that “There is no intention to make any changes to the existing trans-Tasman travel arrangement” (Wason, 2001) after being inundated with calls from New Zealand migrants. Pete Pedersen, the public affairs spokesman for the Australian Immigration Department, said that “A lot of calls are simply from Kiwis who want more information” (Wason, 2001). New Zealand Prime Minister Helen Clark said in an interview that she was embarrassed by the number of New Zealanders receiving the dole in Australia. Clark said that she could understand why the Australian taxpayer was frustrated with paying for welfare of New Zealanders (Callaghan, 2000).

The Social Security Agreement entailed a new cost sharing agreement, which replaced the previous agreement of reimbursing the respective government. This agreement however only covered superannuation and retirement pensions. This decision was made to ensure that New Zealand did not have to increase its fiscal contributions to Australia. It was known at the time that it “would affect New Zealand migrants” access to a range of government assistance including income support, family tax credits, public housing, employment services, some health services and possibly schooling” (New Zealand Treasury, 2000: 6). The cost sharing agreement was cheaper for New Zealand than the status quo and was agreed upon due to the future uncertainty of trans-Tasman labour mobility. The Australian government in turn was able to reduce its social security costs and address the concerns of the Australian public about the ‘back door’ migration from New Zealand. The New Zealand government, recognised that the Social Security Agreement would create layered citizenship in Australia, when it stated that:

“once introduced, [the Social Security Agreement] would effectively create two ‘classes’ of New Zealand citizens – those who hold Australian PR, and those who hold Special Category Visa (SCVs). The former would continue to have access to health, education, and social security in Australia, while the latter would no longer be able to access social security and may have reduced access to health and education” (New Zealand Treasury, 2000: 6).

This was thought to have a direct impact on the number of New Zealanders that would decide to migrate to Australia and the length of their stay once they had arrived. Prior to 2001, New Zealanders had the same level of access to health, education and social security as Australian citizens. After the 2001 agreement, a New Zealand citizen would have to hold Australian permanent residency to be able to access the same level of health, education and social security. The New Zealand government did articulate that an implication of New Zealanders needing to hold Australian permanent residency, would be problematic as Australian permanent residency grants are targeted towards the highly skilled, young and healthy (page 3, New Zealand Treasury, 2000). Australia had

been using a points based system for targeting skilled migrants from all over the world since the immigration reforms in the 1990's. Therefore, the people who would be granted permanent residency are not likely to need social security and the people who would not qualify for permanent residency would potentially be more likely to require social security. Australia decreased the level of access to social security to New Zealanders and therefore created "classes" for these migrants. The New Zealand Government did consider echoing the policy by reduced access to social security for Australian born migrants living in New Zealand, however the New Zealand government decided against making the same changes. This was done as the Treasury report stated that Australians in New Zealand were beneficial to the New Zealand economy and matching the Australian policy could damage that (New Zealand Treasury, 2000: 10). The New Zealand Treasury also stated that the New Zealand public also had no comparable concern that Australians were a burden to New Zealand's social services or of 'back-door' migration from Australia (New Zealand Treasury, 2000: 11).

Helen Clark announced the change as "reaffirming the fundamental freedom of New Zealanders and Australians under the Trans-Tasman Travel Arrangements (TTTA) to freely travel, work, and live in each other's country" (Beehive, 2001). The press release presented the "Social Security Agreement" as a mutual arrangement between Australia and New Zealand, Helen Clark saying "The agreement being announced today, and the manner in which it has been forged, underscores our ability to work together on issues of common concern" (Beehive, 2001). However, the concerns of the New Zealand Treasury (2000) about access to access social security were not addressed and the New Zealand government was pressured by the Australian governments wish to change social security (New Zealand Treasury, 2000: 6). Helen Clark stated in the same press release that the unrestricted flow of people across the Tasman is central to the free trade agreement between Australia and New Zealand as the countries share a special bond. Australia was New Zealand's biggest trading partner at the time. The New Zealand Treasury (2001) published in the year 2000, showed Australia was 22.2% of New Zealand export market and worth 5,503 million NZD to the NZ economy. Despite Helen Clark announcing the agreement as two countries working cooperatively, New Zealand did not have an equal voice in the agreement.

Andrew Bartlett MP and immigration spokesperson for the Australian Democrats said New Zealanders are "worse off than migrants from any other countries" in Australia and unsuccessfully attempted to make amendments to the new policy. Bartlett's amendment was to allow New Zealanders who were not permanent residents of Australia access to special social security benefits "if they suffered a substantial and unexpected change to their circumstances", such as serious injury which left the person unable to work (Lowe, 2001). Bartlett stated that New Zealanders would be

vulnerable as they enter Australia on the special category visa which is granted on arrival, whereas other migrants who come to Australia require permanent residency or a visa which is granted before arrival which makes them eligible for benefits (Lowe, 2001). Bartlett gave an account of a New Zealand woman who had lived and worked in Australia for a number of years, married an Australian and had children born in the country. This woman was later divorced and unable to work due to being a victim of domestic violence, and under the changed rules was not able to access any social security benefits. Senator Chris Evans from the Australian Labor Party said he could sympathise for the New Zealanders but said that only solution for the New Zealanders who wished to stay in Australia long term was to gain permanent residency (Lowe, 2001).

In April 2001, following the changes to social security the trans-Tasman relationship was at risk of further strain. The New Zealand Ministry of Foreign Affairs and Trade warned the government that the new amnesty program for over stayers would damage the bilateral trans-Tasman relationship. The Ministry of Foreign Affairs and Trade reported that this amnesty could negatively affect the Trans-Tasman Travel Arrangement and the new social security arrangement. The New Zealand government introduced an amnesty program in 2000 to allow 'well settled' over stayers a six-month period to apply for a two-year work permit at the end of which permanent residency could be applied for. This amnesty for over stayers would add to the concerns of back door migration from New Zealand into Australia. Bedford et al. (2003) found that between 1994 and 2004 only 70.2% of all New Zealand migrants to Australia were born in New Zealand. The rest being permanent residents of New Zealand, with 17.7% being born in Asian or Pacific countries. During this period, there was a concern in Australia about the so called 'stepping stone' migration and the cost of having a substantial population of New Zealanders living in Australia. Poot (2010) stated the while this stepping stone migration occurs they are not overrepresented in the number of people that move across the Tasman relative to the New Zealand born population. Australia migration regime practices at the time was one of selectivity. The concern about New Zealand migrants going to Australia, was that they were not born in New Zealand and were there to take advantage of Australian social security.

In late August 2001, 433 Afghani refugees were rescued from a ship in distress in international waters off the coast of Christmas Island. The MV Tampa, which rescued the refugees, set sail towards Christmas Island, as under international maritime law rescued people are to be taken to the nearest port for medical treatment. The Australian government denied the Tampa's request for access to Christmas Island and threatened to prosecute the crew of the ship with human trafficking charges, despite some of the refugees requiring urgent medical attention (Maley, 2003). The Tampa

ignored this demand and proceeded to enter Australia territorial waters to continue to attempt to land in Australia. The response from the Australian government was the deployment of the Special Air Service Regiment (SASR) to take control of the ship and prevent its landing in Australia. The action of the Australian government sending in the SASR was domestically popular, with public opinion in Australia supporting the hard-line policy to stop illegal immigration (Taylor, 2001). Despite domestic support, there was an international outcry from human rights groups and the United Nations; the United States called for swift action and urged the Australian government to end the stand-off. The New Zealand government offered assistance and to accept some of the refugees. New Zealand Prime Minister Helen Clark said: "We have a relatively small refugee quota a year because we don't have a big population, but we're prepared to look, and I hope others are prepared to look (at taking the Tampa refugees). In the end, I have to ask myself, if we're in the position of turning away people that might otherwise face a human catastrophe, how would we look in history?" (Taylor, 2001). Helen Clark also added that she sided with the Australian government and she believed that the refugees were the responsibility of Indonesia. Of the 433 refugees Australia allowed the refugees aboard the Tampa to be resettled in New Zealand. New Zealand accepted 208 refugees, including all 37 unaccompanied children. Once in New Zealand, the refugees were given asylum status and later New Zealand citizenship (Taylor, 2001). Ironically, by Australia letting New Zealand accept the refugees, it would allow them entry into Australia once they gained New Zealand citizenship. The Tampa affair shows the difference in the treatment of asylum seekers between Australia and New Zealand. By extension of treatment of asylum seekers, the arrangement of who is and is not entitled to become a citizen and or have citizenship rights.

On the 11th of September 2001 four co-ordinated plane hijackings in the United States by Islamic terrorists resulted in largest terrorist attack in the world by death toll. U.S. President George W. Bush called for a 'War on Terror' and the Taliban government in Afghanistan was implicated in the attacks. Australian Prime Minister John Howard invoked the ANZUS treaty and both Australia and New Zealand supplied military assistance in the U.S. invasion of Afghanistan. The Australian government tough new stance on illegal immigration was politically popular and Afghani refugees involved in the Tampa Affair were viewed as security threats to Australia (Kelly, 2001). Articles published in *The Australian* newspaper titled "How PM's ship came in – War and Islam – Our Front Line" conveyed that Australia, too, was at the front line for the War on Terror (Kelly, 2001). John Howard was re-elected in the November federal election with a boost in popularity after the Tampa Affair and his campaigning for border protection and national security (Devai, 2001). The idea that Australia was on the front line of the war on terror was further propagated after the 2002 bombings in Bali, Indonesia by Islamist terrorists. The bombings killed 202 people, and of those Australian

citizens were the largest national group killed with 88 fatalities (ABC News, 2002). John Howard said of the attack "The warnings of the last year or more that terrorism can touch anybody, anywhere, at any time have been borne out by this terrible event", stating that Australian civilians were targeted and that "terrorism is on Australia's door step" (Hartley, 2002). These terrorist attacks portended change in the management of migrants in Australia, New Zealanders included. The Australian Government Department of Immigration and Border Protection classified illegal immigrants as a threat to Australian sovereignty. "The Australian Government is firmly committed to ensuring the integrity of Australia's borders and to the effective control and management of the movement of people to and from Australia, Only Australian citizens have the unrestricted right to travel freely in and out of the country – all other people must have a legal authority in the form of a visa" (Department of Immigration and Multicultural and Indigenous Affairs, 2002. Page 3). This quote clearly shows Australia's assertion to manage migration as an issue of sovereignty, in addition to making a distinction between Australian citizens and all other migrants to Australia (Rajaram, and Grundy-Warr, 2004).

The Tampa affair, the 11th September attacks and the Bali bombing were the catalyst for Australian policy change on migration (Fox, 2010). Australia implemented policy that became known as 'The Pacific Solution'. The Pacific Solution was to reclassify the Australian Migration Zone, by renaming a number of offshore islands as part of 'external territory', therefore removing certain rights to people who physically arrive on these islands. In addition to the reclassification, immigration detention centres were built in third countries (Papua New Guinea and Nauru) for processing and the assessment of refugee/asylum claims. These third country immigration detention centres operated from 2001 to 2008 and were then reopened again in 2012. The Christmas Island detention centre was opened 2008 (Fox, 2010). Following the events of 2001 and the Bali bombings the way in which migrant populations were viewed in Australia was changing. On the 11th December, 2005, violent race riots occurred in Cronulla, New South Wales. White Australians gathered on the beach demonstrating anti Muslim/immigration sentiment and violently attacking Middle Eastern appearing people (Dunn, 2009). The reason attributed to causing the riot, was the Howard government's policies to reclaim the nation for native 'white' Australians from the "enemy" (Babacan and Babacan, 2007: 3) asylum seekers and the Muslims. The Australian Pacific Solution border policy was succeeded by Operation Sovereign Borders in 2013. The policy was to continue the practice of using offshore detention facilities but the control of the operation would be handed over to the Australian Defence Force. Additionally, \$20 million AUD worth of advertisements was targeted at migrant origin countries publicising the new policy with the slogan "No Way. You will not make Australia home." (Laughland, 2014). The significant objective of the operation is to ensure that no migrant

that attempts to reach Australia by boat will be resettled in Australia and those are refugees will be resettled in third countries (Hodge, 2015). Operation Sovereign Borders moved the criminalisation of asylum seekers from a political issue to military one. The use of the Australian Defence Force to manage migration draws links to the perception that migration is an issue of national security. While these events had no direct connection to New Zealand born migrants living in Australia they are important changes. These events resulted in the increasing of Australia migration management regime, which in turn would start to impact the New Zealand born migrants living in Australia.

5.3 “Caught up in the net”: intersection of selectivity and security.

A major change to the status of New Zealand migrants came in December 2014 with the section 501 amendment to Australian Migration Act of 1958. Section 501 gives the Immigration Minister power to cancel visas, including the 1994 Special Category Visa on character grounds. If a person fails to pass the character test they become an ‘unlawful non-citizen’ and are placed in immigration detention awaiting deportation. Once in immigration detention a person has 9 days to appeal to the Administrative Appeals Tribunal. If a representative of the Immigration Minister cancels the visa and if the Immigration Minister then personally cancels the visa, the Administrative Appeals Tribunal cannot appeal the deportation and only the Federal Court of Australia has the power to appeal. As of 2015, only two 501 visa appeals have been before the Federal Court and both appeals were rejected (Nedim, 2015).

News broke on September 27th 2015 of the death of a New Zealand citizen, Junior Togatuki (aged 23), in custody at Goulburn Correctional Centre, three weeks before he was due to be deported to New Zealand. Within Goulburn Correctional Centre, Junior Togatuki was held in the ‘The High-Risk Management Centre’, a super-maximum security facility where all prisoners are kept in solitary confinement. Junior Togatuki moved to Sydney at age 4, committed an armed robbery when he was 16 and spent the rest of his life in prison (Visentin, 2015). Togatuki was suffering from schizophrenia and anxiety disorders at the time of his suicide. Togatuki had written asking for an appeal to the Australian immigration minister Peter Dutton, which had not been granted. After the incident, New Zealand Foreign Minister Murray McCully sent a text message to the Australian Foreign Minister Julie Bishop requesting more information about the issue. McCully was assured that the New South Wales police would investigate the circumstances around Togatuki’s death further and supplementary discussion should happen between immigration ministers (Jones, 2015). Following Togatuki’s death, the New Zealand's Humans Rights Commission called for the shutting down of Australian detention centres. The New Zealand opposition parties of Labour and the Green party, and confidence and supply party United Future all condemned the policy of deporting New Zealanders as damaging to the relationship between the countries (Visentin, 2015).

The changing status of New Zealanders living in Australia began to become noticeable, as public reaction to Togatuki's death became a discussion about the unfair treatment of New Zealanders (New Zealand Press Association, 2015). University of Otago politics professor Bill Harris stated that the treatment of New Zealanders was "bizarre" in an interview with the *Otago Daily Times* and a small amount of damage has been done to the trans-Tasman relationship. At the time, approximately 200 New Zealanders were thought to be in detention centres, 75 of which on Christmas Island (Gibb, 2017: n.p). On September 29th Gillian Triggs president of Australian Human Rights Commission spoke with *The New Zealand Herald* and said that New Zealanders "were caught up in the net" of the policy but were not being targeted. Triggs concern was more about the significant number of New Zealanders being sent to isolated Christmas Island, away from family and legal support. Triggs who has seen conditions on Christmas Island first hand described the detention facility as "inhumane, dangerous and extremely poor" (in Rudman, 2015 n.p). On the 2nd of October, Australia Immigration minister Peter Dutton defended the policy of deporting New Zealanders speaking on Channel Nine's A Current Affair program "I'm married to a Kiwi and I have nothing against Kiwis. We welcome thousands of people each year from New Zealand, they're our closest friends and family,". He continued: "But if people are doing the wrong thing, whether they're from New Zealand or any other country, they can expect to have their visa cancelled and be sent back" (New Zealand Press Association, 2015: n.p). Peter Dutton's comment relate to the idea that there are two classes of New Zealanders in Australia, the hardworking 'kiwis' who have earned their right to be there and the dole bludging, criminal who deserve prison, detention and deportation.

News broke internationally on 9th of November 2015 of a riot on Christmas Island Detention Centre after the death of a refugee of Iranian Kurdish decent. The refugee who was found dead, Fazel Chegeni, was in poor mental health due historical torture and a recent suicide attempt. Chegeni's body was found on the base of a cliff two days after an escape attempt. The riot was quelled by the 12 of November 2015. New Zealanders were purportedly the instigators of the riot which caused over \$1M AUD worth of damages. However, the Guardian Australia reported that "Guards from private security contractor Serco had been forced to retreat from the centre compound on Sunday night after angry confrontations reportedly stemming from an initial fight that broke out between a Serco emergency response team ERT and a group of Iranian detainees agitated over the death of Chegeni." (Robertson, 2015: n.p). During the riot media was denied access to the facility and reports of what happened during the riot come from the detainees. Australian shadow immigration minister Richard Marles was critical of the transparency of the situation and was unable to confirm the validity of any details coming from the facility (Powell, Ryan and Donald, 2015).

Australian Immigration Minister Peter Dutton blamed New Zealanders for the riot and “a hardened criminal population that occupies the immigration detention centre”. Peter Dutton said that the New Zealanders were serious criminals and denied the suggestion that the New Zealander detainees on Christmas Island were being held in detention for only relatively minor and nonviolent convictions (BBC, 2015). In contrast to Peter Dutton’s statements Maori Party co-leader Marama Fox said that some of the detainees on Christmas Island were only convicted on minor crimes and that “These are people who have served their time for the various criminal offences that under this new law could range from shoplifting and also traffic violations, all the way up to serious crimes” and “was putting the Anzac spirit at risk” (Cox, 2015). The Australian Department of Immigration released a CCTV photograph of the rioters in an attempt to demonstrate their apparently violent nature (see Figure 4). It shows two masked persons, one throwing an incendiary device and the other holding a machete (Cox, 2015). The Department of Immigration also stated that seven men were transported via Perth International Airport to be moved to maximum security Casuarina Prison to secure the Christmas Island centre. Peter Dutton defended the detention and treatment of New Zealanders due was to the individual’s criminal history. To Dutton, this criminal history justified detention on Christmas Island and the reduction in human rights to which the detainees were subject (Cox, 2015).



Figure 4 image released by department of immigration and border protection showing two detainees rioting

During New Zealand Parliamentary Debates on the 9th of November 2015 opposition leader Andrew Little questioned what action had John Key’s had done regarding the number of New Zealand detainees on Christmas Island. Key replied that he personally had made no actions or comments to

the Australian Government, but had New Zealand ministers talking to their Australian counterparts. John Key took offence that Andrew Little continued to question him on the detainees, stating:

John Key: “these people—some of them are rapists, some of them are child molesters, and some of them are murderers. These are the people whom the Labour Party is saying are more important to support than New Zealanders, who deserve protecting when they come back here.”

Kelvin Davis, member of the Labour party and spokesperson for Corrections interjected

Kelvin Davis: “A detention centre; not a prison.”

John Key: “Mr Davis, if you want to put yourself on the side of sex offenders, go ahead, my son, but we will defend New Zealanders.” (New Zealand Parliament (2015-10) 710 page 7787)

The comments by Key caused outrage in parliament and Speaker of the House David Carter had to call for order. John Key claimed that the detainees were child molesters, murderers and sex offenders, and therefore because of the odious crimes committed they were not worthy of the New Zealand’s governments aid. Later investigation into the detainees found that none of the New Zealanders detained on Christmas Island had committed homicide or any sexual offences (Davison and Jones, 2015). Key’s defence was similar to that Peter Duttons, an ad hominem attack of the character of the detainees. After the Speaker of the House had restored order, supplementary questions were asked during the same session of parliament and the following exchange happened:

Mr SPEAKER: Order! [Interruption] Order! When I rise to my feet, I expect the Prime Minister to then resume his seat.

Andrew Little: “Why has it taken an inmate to die, a 2-day fire, and a full-blown riot for him and his Ministers to finally lift a finger to do something about it?”

John Key: The member is just completely misrepresenting the facts. I raised this issue in February after it became Australian law in the late part of December. I raised the issue with Malcolm Turnbull all the way through this, and our Ministers have been working on this issue. We cannot stop Australia having its sovereign right to ultimately decide to deport people who are serious criminal offenders. We cannot stop that any more than Helen Clark could stop the fact that back in 2001 a whole category of New Zealanders did not get the right to residency. They are the very people, actually, who, if they had residency and citizenship, would be able to stay.” (New Zealand Parliament (2015-10) 710 page 7787)

John Key defended the Australian Government's migration management regime as an issue of sovereignty. Key once again using judgmental language about the detainees, which again shared the same rhetoric as the Australian Government. The Prime Minister raised the point that that New Zealanders got an unfair deal with the 2001 Social Security Agreement and because of this policy change these people are being affected now. The counterargument used by John Key, was that previous New Zealand governments were unable to stand up to Australian Government for its treatment of New Zealand migrants and that the current government is in no position to stop Australian Government in this instance. Later in the same session of parliament Green party MP Marama Davidson asked the Prime Minister

Marama Davidson: "Why did the Government not criticise Australia for its offshore detention centres in our submission on Australia's human rights record at the UN yesterday?... Given Australia's continued abuse of New Zealanders' human rights on Christmas Island, is it right for the Prime Minister to support Australia's bid for a seat on the United Nations Human Rights Council?"

John Key: "As I said earlier, in terms of any concerns we have, the Government raises those issues directly. We have said for a long period of time that we do not like this policy. This policy is not directed specifically at New Zealanders. It is a policy that they apply to all countries, but, as I said earlier, when it comes to those New Zealanders—who are people, by the way, who do not want to claim to be New Zealanders; the whole point is that they do not want to come back to New Zealand—I have a responsibility to make sure that other New Zealanders are safe. The people who are in those detention centres have a criminal offence that has seen them incarcerated for 1 year or more, or they have serious character issues. If they actually have connection with New Zealand, the advice from the Australian Minister is that a third to a half of all those appeals are being accepted. I am sorry, I am not just going to take people back into New Zealand without information and without being able to protect the New Zealand public, and if those members want to protect sex offenders, rapists, and murderers, go ahead. I am not going to." (New Zealand Parliament (2015-10) 710 page 7787)

Marama Davidson questions why the New Zealand Government is supporting the Australian Government's plan to win a seat at United Nations Human Rights Council. John Key does not answer the question about the United Nations Human Rights Council bid or comment on the abuse of New Zealanders' human rights on Christmas Island. Key instead returns to comment of the policy of the Australian Government and the New Zealand Governments inability to stop the Australian Government. The Prime Ministers comment about a third to a half of all appeals being accepted is

contradicted by the fact that Administrative Appeals Tribunal cannot appeal the deportation from the Australian Immigration Minister (Nedim, 2015).

Grant Robertson, MP from the Labour Party followed up Marama Davidson comments.

Grant Robertson: I raise a point of order, Mr Speaker. I was going to wait until the end of the question but the Prime Minister has repeated what he said more directly in an earlier supplementary answer when he accused the Labour Party of “backing the rapists”. I am deeply offended at that and I ask that it be withdrawn. [Interruption]

Mr SPEAKER: Order! [Interruption] Order! This is a political debating chamber. The member may well be offended by that, but in the context of the answers given, I am not going to take that as—[Interruption] Order! I do not want to start this week by asking a member to leave the Chamber, but I want to make it absolutely clear that when I am on my feet, there is no opportunity for members to continue to interject, and that applies to both sides of the Chamber” (New Zealand Parliament (2015-10) 710 page 7787)

Key’s rhetoric comments labelling deportees as ‘rapists, child molesters and murderers’ and that ‘Labour backs rapists’ continued to cause further disruptions and heckling from further members of parliament. The Speaker of the House asked Labour MP Iain Lees-Galloway to leave the chamber. Labour MP and Senior Whip Chris Hipkins and Green Party co-leader Metiria Turei both raised points of order taking offence at the Prime Minister’s comments that their respective parties ‘back rapists and murderers’ (New Zealand Parliament (2015-10) 710 page 7787). Further Labour MP’s were offended by the comments and 15 out of 28 MPs walked out of Parliament (Davison and Jones, 2015). Labour MPs also tried for a vote of no confidence in the Speaker of the House but lost to National MP’s. Minister of Justice Amy Adams followed John Keys comments saying the detainees "who the opposition are very keen to look out for...certainly include the worst categories of offenders" and "I've had advice that it includes rapists, murderers, drug offences, serious violent offences, and child sex offences - exactly which of those are held on Christmas Island I can't confirm" (Sachdeva, 2015). While opposition MPs such as Marama Fox stated "They have been badly misrepresented by the Australian media and they have been badly misrepresented by the Prime Minister. For a 12-month sentence in Australia, you could be in there for shoplifting and there is a woman in there for shoplifting, you could be in there for traffic offences and there is a man in there for traffic offences." Marama Fox said she also had knowledge of the former NZDF soldier detained on character grounds (Sachdeva, 2015). The Speaker of the House later admitted that John Key’s comments were unparliamentary and he should apologise, which the Prime Minister did and

withdrew his comments a month later (Davison and Jones, 2015). The parliamentary debate of the 9th of November 2015 shows that the discursive framings of New Zealand born migrants in Australia was being repeated by John Key and the New Zealand government. The opposition parties of the New Zealand parliament challenged the discursive idea that New Zealanders in Australia were criminals, but also wanted to distance themselves from defending people who had committed odious crimes. John Key also referred to the asymmetrical status of New Zealand born migrants in Australia following the 2001 Social Security Arrangement, but also stated that the New Zealand government is powerless to challenge the Australian migration management regime.

New Zealand Justice Minister Amy Adams sent urgent questions to Australian immigration Minister Peter Dutton after an Australian lawyer released the form to the media, showing that detainees were required to sign away rights to appeal before deportation (Jones, 2015). This form contains the statement "If I have outstanding visa applications, requests or legal proceedings, I understand that if I choose not to withdraw them, consideration of my claims by the department or relevant review bodies (including the courts) may be discontinued once I am removed from Australia." Amy Adams said that the form was "worrying and appeared to contradict assurances that had been made to herself and Prime Minister" (Sachdeva, 2015). However, after speaking with Peter Dutton, Adams said that an assurance was given that New Zealand deportees would keep their rights to appeal. This assurance was also given by Australian Prime Minister Malcolm Turnbull to John Key (Jones, 2015). Greg Barns, the Barrister from the Australian Lawyers' Alliance who released the document, said: "What it seems to indicate is that you take a risk, if you continue with your visa application and go back to New Zealand you take a risk that the immigration department in Australia will discontinue your case because you won't be able to attend the proceedings". He continued: "It's a very unusual clause, it's certainly contrary to what the New Zealand Prime Minister has been saying is the case and that is that people wouldn't be penalised if they went to New Zealand. They're quite clearly penalised if they do return to New Zealand. This entire process has been very unfair from the start" (Towle, 2015). These developing revelations show the complexity of the Australian migration management regime. The Australian government has given supreme power to the management regime, which has the power to infinitely detain or deport any non-citizen Australia. These changes to the status of New Zealand born migrants in Australia are becoming increasingly viewed as unfair.

On the 18th of November 2015, the New Zealand parliament passed legislation to monitor deportees as if they had been convicted in New Zealand. The legislation was rushed through the New Zealand Parliament as it was expected that a number of deportees would soon arrive in New Zealand, Justice Minister Amy Adams said she was unsure when the deportees would arrive (Jones, 2015). The next

day, the 19th of November 2015, the so called 'Con Air flight' arrived in Auckland. This was a chartered flight with 12 deportees from Christmas Island. 8 of these deportees were to remain under New Zealand Police and Corrections surveillance and supervision, and all of the deportees had DNA, finger prints and other biometric information collected. While none of the deportees were placed in custody, the changes in the law made them monitored as if they had committed offenses in New Zealand. Malcolm Burgess, New Zealand Police assistant commissioner, said that collection of information on the detainees was for community safety (NZ Herald, 2015). Later that month a second flight, with 11 deportees arrived in Auckland. One of the deportees told ONE News he was later given a bill for \$8200 for the chartered flight (Vance, 2015). It was later released by the New Zealand Ministry of Transport and the Civil Aviation Authority of New Zealand that Skytraders, the Australian Federal Government airline, did not have the approval or authority to land the flights (Vance, 2015). The comments by John Key about the New Zealand born detainees being a threat to the rest of New Zealanders, in addition to the New Zealand Police and Corrections surveillance and supervision upon arrival show that the discursive idea that these people are security threats exists upon both sides of the Tasman.

In February 2016, an agreement was reached after a meeting between John Key and Malcom Turnbull. This agreement was for a path to citizenship for New Zealanders living in Australia, which had previously been impossible since the 2001 changes. The path to citizenship does not apply for all New Zealanders in Australia and is only available to people who have already been living in Australia for at least five years and earning more than \$53,000 AUD a year. The agreement is also retroactive and does not apply to new migrants to Australia (Leslie, 2016). Following announcement of the agreement, journalists asked Malcom Turnbull why there had been a 'change of heart' from previous policy which excluded New Zealanders. Turnbull replied "Australians and New Zealanders are very close. Our histories are absolutely indelibly entwined. So is our destiny" (Watkins, 2016: n.p). These comments show that despite all of the selectivity and security policy changes and negative

discourses of criminality and dole bludging, the discourse of solidarity still exists.

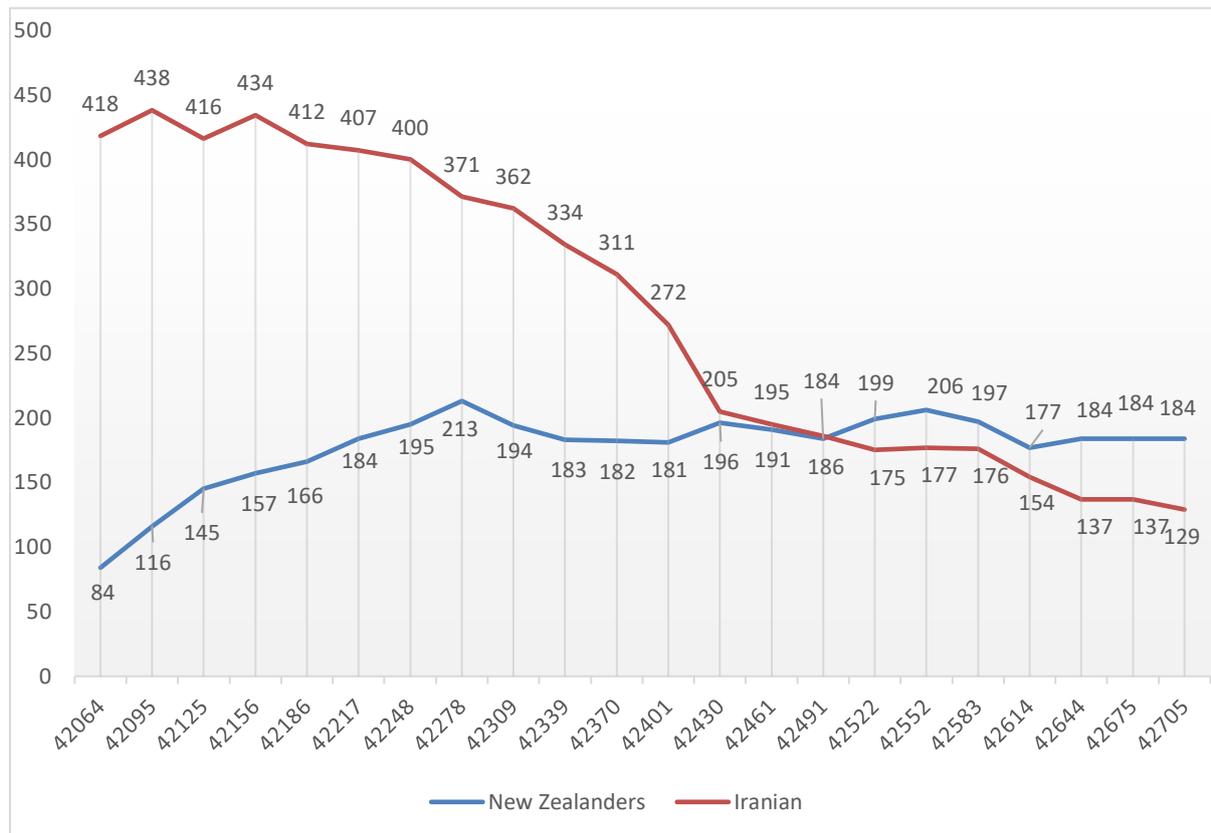


Figure 5 Number of New Zealand and Iranian People in Australian Immigration Detention by Nationality. Data from Border Force Australia.

As of December 2016, there were 184 New Zealand born people in Christmas Island Immigration Detention Centre (as shown in figure 5). This makes New Zealand born people the largest national group in Australian immigration detention. The largest national group was previously Iranians, but the number of Iranians immigration detention has been reducing.

5.4 Conclusion

Selectivity and security have become the defining features of the management of New Zealand in Australia. The asymmetry of the Trans-Tasman relationship was becoming prominent in the latter half of the 1900's. This asymmetry has become more pronounced with the introduction of security. As all non-citizens have become managed due to security concerns, however the underling discourse of solidarity has resulted in the treatment of New Zealand migrants as unfair. The 2001 Social Security Arraignment, created a stratified New Zealand population in Australia. However, as the relationship of solidarity existed between the two countries this asymmetry was not viewed at an issue. Due to the events of the Tampa Affair, September 11 terrorist attacks and the Bali bombings Australia introduced harsher border security. This increase of border security was not targeted at the New Zealand born population in Australia, but due to the reduction in rights, New Zealanders were

effected. The use of layered citizenship and detention are methods of control employed by the Australia migration management regime and in turn used on the New Zealand migrant population. While increasingly viewed as unfair, the New Zealand population in Australia has stratified into two classes, those who were allowed to stay with the reduction of rights, and people who have a criminal history and are detainable and deportable at any time.

Chapter 6: Conclusion

The thesis set out to examine the management of New Zealand migrants in Australia. The thesis lays out a story about this management in three parts, or phases of management that it equates to three different management regimes, each built on different rationalities and discursive formations and taking form of different management practices. The first, highly inclusive, regime was built on special historical- geographical relationships and emphasised citizenship and the ANZAC spirit. This gave way in a set of economic and political contingencies to a second regime of regulation, characterised by selectivity in the treatment of migrants and the discursive formulation of the kiwi migrant as a potential (or actual) dole-bludger. This regime put in place a more active regulation of this migrant figure. The third contemporary regime emerged with the security concerns of the wider, international contemporary epoch. Here the New Zealand migrant became both the potential (or actual) criminal and the back-door migrant to Australia, the possible figure of whom required even more regulation than they had started to demand under the previous regulation regime. Separately and together the criminal and back-door migrant represented security risks and required reconfiguring under Australia's emerging security regime. No longer effectively citizens, the New Zealand migrant became a security interest and faced management by detention and deportation, the centrepieces of a new regulatory regime. This story has much to say about the migration studies more widely.

Migration has long been highly politicised, and has at different moments become a prominent field for debating a wider politics and fighting national elections. Debates about race, ethnicity, unemployment, national identity, and costs of welfare and housing can become focused on migration, especially in popular media coverage. This is the case today; and as global mass refugee crises impact on all of our geographical imaginaries and conceptions of equity and justice, migration has once again become a central concern in academic geographic thoughts. This thesis makes two central arguments. First, that as a political issue migration is discursively framed in connection with myriad other social and national politics; and second that it is a managed phenomenon, shaped by regimes of management and discursive relations.

6.1 Migration as a managed phenomenon

Migration studies were once split between two main camps, Functionalist and Historical-Structural. These theoretical perspectives of migration portray the phenomenon as a process that drives itself, but lacking an inherent regulatory principle requires guidance lest it spin out of control and exceed infrastructural capacities, erode traditional ways, or create social and economic problems. As

politicians make those calls that migration is out of control and implement new controls, it is assumed that migrants will react accordingly and alter their migration intentions. Migration will be (largely) self-correcting. Functionalist theories portray migration as a process driven by economic means, whether that is push and pull factors, or supply and demand of labour. Historical-Structural theories portray migration as an unequal and exploitative process, based on the search for cheap labour. This thesis illustrates clearly that there is far more to migration than that assumed by both Functionalist and Historical-Structural theories, which have underplayed the important role played by the state in migration management.

Geographers have increasingly turned to Foucault's Biopolitics to engage with the ways in which governments and people interact. This biopolitical turn has begun to lead the migration literature to position migration as a managed social practice and to change its focus of study. This thesis draws on Feldman (2011) work to direct a biopolitical perspective to migration management. It reveals the extensive migration apparatus through which New Zealand migrants to Australia are managed through the Australian migration management regime. It demonstrates how the governance of migrants emerges from multiple political projects and actors and is not purely about setting and restricting incentives. The New Zealand born migrant living in Australia is managed by the same regime that manages refugees, asylum seekers and people smugglers. Successive Australian governments have been responsible for this management, along with multiple governmental departments, such as Department of Immigration and Border Protection, Australian Defence Force, Department of Social Services, Department of Industry, Innovation and Science, Department of Finance. This is a complex regime within which migrants are positioned in multiple and often contradictory ways. How it will play out on the ground at any one time and in any one case is uncertain. The migrant subjectivities framed and subjects produced will take different forms. There is no simple playing field here on which migrants will make decisions on the basis of simple and prior calculations; while there is much more going on than simply turning the tap on the migrant reserve of labour on or off.

Australian citizenship, has changed since the 1990's with the introduction of layered citizenship rights, to either encourage or discourage migrants from settling (Kofman 2005). Migration management techniques are now used to control the flow of migrants, through criminalizing overstaying and asylum seeking. This can be seen with the implementation of the Special Category Visa, which classified New Zealanders status in Australia as temporary and removed the pathway for permanent residency (Millett, 1994). While this change had profound implications for New Zealand born migrants in Australia, there was limited opposition to the policy change. Citizenship had been

displaced at the core of the migration regime. New classes of migrants with different rights were now imagined and these subjects were discursively constituted. This has considerable significance for migration studies more generally and represents another challenge to functionalist accounts of migration, as well as for (and to) the lives and prospects of New Zealanders migrating to Australia. For one thing it opens up the technology of detention.

Detention is the ultimate form of control over migrants, rendering them immobile. It can hold migrants in place so as to subject them to legal proceedings and or deportation. The practice of infinite detention only emerged in the Australian migration management regime in 1992. With the introduction of infinite migration detention as well as mandatory detention on arrival for those who arrived in Australia without visas. This policy was targeted at controlling asylum seeking in Australia, and was later connected to the wider security regime after 9-11. The Australian migration management regime did not initially target New Zealand born migrants, yet Special Category Visas in 1994 meant that detention could be extended to New Zealand born migrants. The section 501 amendment in 2014 activated this possibility and saw the visas of some New Zealand born migrants repealed and migrants detained., All non-citizens in Australia are now detainable, in what is now a richly biopolitical migration regime, which also internalises Agamben's concepts of the camp and Homo Sacer. These are reproduced in Australian migration detention centres such as Christmas Island, which has been reclassified to be outside normal migration law. All detained persons there, including New Zealand born migrants become Homo Sacer.

6.2 Management of and through discursive framings of migrant subjects

Policy and discursive thought are deeply entrenched. Many of these policies and discourses show that Australia has more control in the relationship. The primary discourse of New Zealanders in Australia has changed over time. New discourses do not completely replace earlier discourses, but instead overlap adding to the complexity of how New Zealanders are viewed. For most of the 1900's the primary discourse was that of solidarity, 'the ANZAC spirit', which stemmed from colonial ties and shared military actions. This discourse gave way to the 'kiwi dole bludger' in the late 1900s as populist politicians in Australia targeted New Zealanders as a source of competition for jobs as employment rose in Australia with the industrial restructuring of the late 1980s and 1990s. The emerging discourse of New Zealanders is that they are back door migrants and/or criminals. They may be criminals bred in New Zealand, criminals who have passed through New Zealand to Australia, illegal migrants, or potential criminals (even terrorists) who have used New Zealand as a back-door entry. In each case they are captured in Australia's new security regime. The 'criminal' New Zealander is increasingly being used to justify deporting New Zealanders from Australia and to undermine the wider desirability of New Zealanders as privileged migrants, either as an ANZAC

compatriot or a selected migrant. It is through these discourses of New Zealand born migrants, that political support is built for the policies deployed to manage them, and through which the exercise of that management becomes justified.

Significantly, these discursive formations perform subject forming work beyond the narrow politics and migration of migration. As Foucault's (2008) notion of a 'spontaneous synthesis of egoism' might suggest, New Zealand migrants are being woven into a singular social group in the understandings of Australians. New Zealand born migrants who moved to Australia as infants are grouped with asylum seekers or other people who try to enter Australia illegally. The discursive framing of New Zealand born Australians has also moved across the Tasman and is deployed in New Zealand public and social life – in media reporting, social media posts, and political debate. The discourse of the 'kiwi dole bludger' was eventually picked up and repeated by Helen Clark. The ideas that only selective New Zealand migrants were welcome in Australia became a trope of the Key government's bilateral relations, with Key also eventually picking up on the issue of security to frame trans-Tasman migration and wider social policy.

The framing and management of New Zealand emigrants to Australia, confirms Freeman's (1998) argument that governments commonly present migration as problematic to justify a prefigured response to the issue. New Zealander migrants have been presented as problematic to the Australian polity on numerous occasions, and in many of these instances the problem has proven to be exaggerated or fabricated. The evidence suggests that dole bludging or back-door migration have been far less of an issue than claimed by politicians looking to use the issue for populist political gains or to justify policy shifts, the real rationale for which lay elsewhere. The number of New Zealanders receiving unemployment benefits, for example, was proven by the Australian Bureau of Statistics to be lower than average in Australia (Howell, 1988). Despite this New Zealand Prime Minister Helen Clark said that she was embarrassed by the number of New Zealanders receiving the dole, which then provided legitimation for the Social Security Agreement that removed access to unemployment benefits. The claim made by Australian MP Pauline Hanson that migrants of other countries were using New Zealand as 'back door' entrance to Australia was also proven to be exaggerated and misleading (Millett, 1997). In both cases migration was used to legitimate wider politics, as it was when Bolger, accused Victorian Premier Joan Kirner of drawing attention to New Zealand migrants in order to distract from the economic issues of the state of Victoria.

From 1901 to 2001 New Zealand migrants in Australia were framed as part of the 'Australia–New Zealand special relationship', which grew from shared commonwealth and solidarity ties. Many of the early trans-Tasman pacts such as the Canberra Pact in 1944 were a result of Australia and New

Zealand having shared foreign policy interests. This early relationship of solidarity led to the formation of free trade agreements and the 1973 Trans-Tasman Travel Arrangement. The presence of New Zealand workers in Australia, however, eventually became contentious as unemployment rose (Easterbrook, 1992). Intriguingly, the figure of the New Zealand worker taking an Australian worker's job was at odds with the figure of the dole bludger taking advantage of Australian social security. The migration management regime dealt with the contradiction through selectivity. New Zealand migrants have gone from holding rights equal to permanent residents, to being selected based upon employment status, income, criminal history and character. The Australian Government has continually threatened to end the Trans-Tasman Travel Arrangement, to force the New Zealand Government to comply with this selectivity, even though, once again, the evidence does not support the contention (Poot 2010). The migration management regime has threatened to leak out beyond the problems of employment and social benefits, and even migration itself, to manage other dimensions of the Australia-New Zealand relationship. Australian immigration policy changed to restrict the access of New Zealanders to a number of social services and citizenship related rights (Bedford et al., 2003), as well as to reduce access to Australia for New Zealand citizens and permanent residents born in other countries,. The back-door migrant had become a subject for selective management alongside the dole-bludger and the unskilled worker.

The events of 2001 prompted deeper changes in the Australian migration management regime, which shifted from technologies of solidarity and selectivity to those concerned with security. Security has intensified eroded solidarity, but intensified selectivity. Selectivity is now applied to those New Zealanders being who might be allowed to (or deserve to) stay in the country. Those New Zealanders, who are not deemed worthy to stay become Homo Sacer and they become detainable and deportable. The trans-Tasman Travel Arrangement no longer allows the free movement and the infinite stay to all New Zealand citizens within Australia. Rather there is selectivity, targeting and a deeper biopolitical management. While New Zealanders have not been specifically targeted as a migrant group of threat to Australia, but have instead been caught up in the new security regime that allows the Australian government to be more selective than they were and deny entry and revoke visas. New Zealand citizens still hold a privileged position compared to other migrant groups, but it is only qualitatively different as opposed to one of fundamentally different rights.

6.3 Research limitations

While the argument in the thesis are well developed, they have some limitations The thesis relies solely on secondary data, both historical and contemporary. This tends to produce historical accounts that underplay agency and contingency, and overemphasise broader stories. It also makes means that access to data is dependent on archival storage and search processes. It is unclear

whether significant material has been lost or missed, and whether this may have provided deeper insights into the analysis of migration management. Nonetheless, while historical data may be incomplete and the narrative reliant on sporadic evidence, there is enough historical material to be confident in the interpretations made in this thesis at a more generalised level.

Discursive formations are always difficult to locate and narrow down, while their work is difficult to detect. Without primary research to identify the extent to which the 'kiwi dole bludger' discourse, for example, shaped the way that policies were actually framed by politicians, policy actors, and the framers of legislation, we can only argue that to be the case by inference. We cannot be certain when or how these framings appeared or just what work they did in different political and policy-making settings. The newspaper archives give some indication, but this is restricted. Similarly, relying on newspapers to identify the key events associated with a history of migration is subject to various reporting biases such as where in the newspaper the article was reported, whether other papers were also covering it, or the extent to which it was actually read and by whom. This bias in reporting may not reflect whole social views.

The textual analysis provided insight into both the historic and cultural. Textual analysis is exceptionally descriptive but has the limitation of not providing any deeper explanation to the text. Discourses can provide further social insights to policies and media, and can reveal the meaning and motivations of the phenomena. Discourses are not fixed and change over time. The way in which discourses are viewed is open to interpretation and are viewed with a modern understanding, which may not fully comprehend the true thoughts and opinions of the time. Another problem is that discourses do not represent the views and understandings of whole societies.

Primary data collection, was not feasible for this thesis but could provide an opportunity for future research. Accounting for ethical considerations, the people who are being detained or have been detained and deported from Australian immigration detention could offer their understandings of the workings of migration management. Key informants, such as governmental officials could provide a rich insight in to the working of the trans-Tasman relationship. As would people who work or have worked on Christmas Island, such as Australian Border Force employees, doctors and nongovernmental workers. Currently these people would be committing a criminal offence if they record or disclose any information about the detention centre or its occupants. These people's accounts and identities could be protected through keeping sources anonymous.

What can be certain, however, is that the Australian migration regime has grown in size, and been awarded increasing powers to manage and control migrants, which is exercising with new

technologies. Selectivity and security have become the defining features of the management of New Zealand born migrants in Australia today, although earlier technologies and discursive formations are still at work. As a parting reflection, in the context of its enduring relevance and political centrality and the grip it currently exerts on our current political debates and geographical imaginaries, migration is a key sphere of geographical inquiry and one that demands more studies such as the one in this thesis.

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