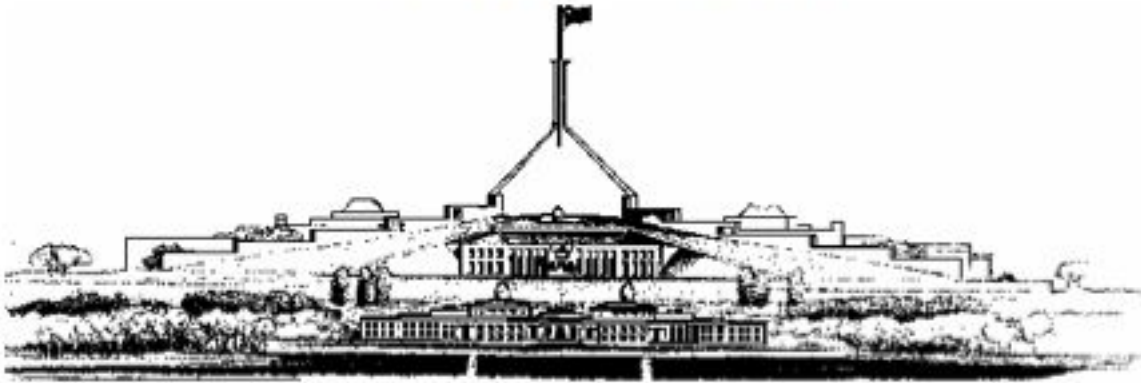




COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



THE SENATE
WAR CRIMES AMENDMENT BILL 1999

Second Reading

SPEECH

Thursday, 23 September 1999

BY AUTHORITY OF THE SENATE

SPEECH

Date Thursday, 23 September 1999
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Questioner
Speaker Harris, Sen Len

Source Senate
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Senator HARRIS (Qld) (12.48 pm)—In speaking to the War Crimes Amendment Bill 1999, I point out to the Senate that I am definitely not implying that any Australian Defence Force personnel who served in World War II may have been involved in any conduct that was unbecoming, but neither can I accept the risk or the possibility that any Australian Defence Force personnel could be extradited for war crimes without the establishment of a prima facie case against them, and that will be the case if the government's proposal to amend the War Crimes Act 1945 is carried.

The amendment I will move in the committee stage will ensure that any proceedings in an Australian state or territory under the Extradition Act 1988 and the War Crimes Act 1945 and involving a member of the Australian Defence Force will require a magistrate to be satisfied as to the veracity of the allegation and that a prima facie case exists before extradition is possible. I do not accept the argument that we need to water down the inherent protections contained in our legal system to comply with a request from another country, just as I do not accept the arguments that we should arbitrarily lower our quarantine standards either.

We cannot predict the vagaries of the legal system or the consequences of future legal action. We cannot assume that what has transpired in the past will do so in the future. It would be a travesty if any Australian Defence Force personnel were extradited as a result of this action of the government without the establishment of a prima facie case against them, and that is why I intend to move my amendment today. If the government subsequently enacts war crime legislation that would cover subsequent conflicts that had occurred since the Second World War and the intention of that was also to protect Australian Defence Force personnel and their support people, then I would support the government in its endeavours to protect our service men and women and the people who have supported them since the Second World War.

In concluding, I reiterate to the Senate two things: I am not about protecting any war criminals in Australia who may be residing here, and I am definitely not implying that any Australian defence personnel have actually carried out any such conduct.