

Parliament and politics

War Crimes Bill changes 'do not go far enough'

The Government has responded to Opposition criticism of its controversial war-crimes legislation by proposing changes to protect the rights of defendants and clarify the scope of the legislation.

However, the Opposition spokesman on justice matters, Senator Robert Hill, said the changes did not go far enough and the Opposition would vote against the legislation.

With promised Australian Democrats support, the legislation will still pass but the Opposition's attitude means the Senate is facing a marathon session.

After protracted negotiations, it was decided to adjourn the debate about midnight and resume at 9 am today.

The War Crimes Amendment Bill 1987 provides for the prosecution of alleged Nazi war criminals living in Australia.

At the beginning of a resumed second-reading debate yesterday, Senator Hill said the Bill was unprecedented, ambiguous and unfair.

He said the Opposition supported legislation to bring war criminals to justice but there were major problems with the Government's Bill which would have to be addressed before the Opposition would support it.

In a statement, the Minister for Justice, Senator Michael Tate, said the Government had considered objections by the Democrats and Opposition, including 12 proposed Opposition amendments.

The two major Opposition amendments were to exclude Australian ex-service personnel from prosecution and to give courts the power to stay proceedings to avoid injustice to defendants.

Senator Tate said the Government proposed a specific provision declaring that the Bill would not exclude, limit or prejudice the application of normal rules of evidence and procedure or the powers of the courts, including the power to take action to prevent abuse of process.

"I believe it declares the situation as would be insisted upon by this Parliament and I believe it adequately meets the misgivings of those senators who've quite properly brought their concern that the normal rules applicable in a criminal trial apply in these trials," he said.



Senator Peter Baume

The Government had agreed to confine the ambit of the Bill to crimes committed during the war in Europe between September 1, 1939, when the Germans invaded Poland, and October 29, 1945, when all hostile activities were halted, six months after the official surrender on May 7.

It also proposed a new section to provide a specific defence based on the doctrine of military necessity.

A defendant would be allowed to produce credible evidence that the alleged crime was permitted by the laws, customs and usages of war and was not a crime against humanity.

By limiting the scope of the legislation to Europe, and allowing the doctrine of military necessity, the Government has narrowed the reach of the legislation and made it virtually impossible for Australian ex-service personnel to be prosecuted.

However, Senator Tate said the Government could not exempt Australian ex-service personnel.

"The Government does not accept that it can properly draft a statute which deals with such offences and at the same time make the application of the law fall on a particular class of citizens or residents of Australia, but not some other class," he said.

Senator Hill said the Government's failure to exempt Australian ex-service personnel meant the Opposition would continue to oppose the legislation. The Government had met the Opposition "part of the way", but it was not enough and the Bill was still ambiguous.

In other proposed changes, the Government agreed to amend the definition of occupation to include the occupation of Latvia, Lithuania, and Estonia, as a result of the German-Soviet agreement signed on August 23, 1939. Extradition would be precluded unless a magistrate was satisfied it had been established prima facie that the extradition offence was a war crime.

The legislation would also include a requirement that proceedings against an alleged war criminal take place in that person's state or territory of residence.

But the legal implications of the Bill were overshadowed by an emotional debate in a hushed Senate chamber.

Senator Peter Baume (Lib, NSW), himself a Jew, said that although justice was paramount and some said too much time had elapsed for trials, the perpetrators of the Holocaust must never be forgiven, "not ever".

"They have been sought, and pursued, across the world, from country to country, from hiding place to hiding place, unceasingly for more than 40 years," he said. "And this legislation seeks to ensure that we pursue here any war criminal who may have sought to make of this gentle country a haven and a refuge. For major war criminals there is no haven and there is no refuge."

He, like many others, alluded to the atrocities so vivid even after more than 40 years.

"The perpetrators, these inhuman humans... slaughtered innocent women and children by shooting them, naked, into open pits, or gassed them... and enjoyed it," he said.

"For me, justice will be done if we expose any war criminals, tear away their masks of respectability, let people know what is in their pasts."

"I do not expect that we will send old men to prison, and I certainly do not wish to see them put to death... I want them to be exposed for what they were in those dark past days."

He was going to abstain from the Bill, but encouraged others to support it.

With Senator Baume's abstention, the Government can expect the Bill to be passed 38-37, with the support of the Democrats, except Paul McLean (NSW). The three Independents will vote with the Opposition.

Recitation of harrowing atrocities fails to wring moisture from an arid-eyed Stone

Preaching to the Senate, yesterday, on the vexing War Crimes Amendment Bill, Senator Macklin (AD, Qld) took as his text various passages from the transcript of the Nuremberg Trials. Horror story after horror story was recited to the Senate and Senator Macklin, who admitted that he had cried when he visited and inspected a concentration camp now preserved as a museum, seemed to come close to crying again as he made his recitations.

There were at least two dry eyes in the Senate, set in the skull of the notoriously dry Senator Stone (NP, Qld) whose speech, following hard on the heels of Senator Macklin's, offered an intellectually stimulating juxtaposition of the wet and the dry approaches to this matter.

But there was, I thought, a small patch of swamp in the otherwise arid Gobi of Senator Stone's speech. This was where he offered as an illustration of the way in which all Australians are being welded together in a great lump of opposition to the legislation the fact that such diverse souls as the Bishop of Melbourne, Dr David Penman, and the Victorian President of the RSL, Bruce Ruxton, were opposed to it.

Senator Stone is entitled to his view that this strange coincidence of views is proof of something noxious about the proposal to try war criminals in Australian courts, but surely it might indicate, instead, that on this issue the bishop's mind has turned to blancmange. The senator's view is that it is time for Christians to forgive the brutes who, so long ago now, tortured and murdered millions of Jews and gypsies and homosexuals and others who did not meet the Fuehrer's standards.

Surely it is of interest that a Christian



WARDEN in the Gallery

divine, whose faith is predicated on three events which took place almost 2000 years ago (Our Redeemer's birth, crucifixion and resurrection) and who must try to keep those events alive and piquant and memorable in order to attract and to retain a Christian flock, should argue that the effluxion of time makes a qualitative difference to the importance of an important event.

Senator Macklin's harrowing speech skipped from atrocity to atrocity. Fifteen hundred sent to a concentration camp in a train and found to be dead from suffocation on arrival; men shot in batches of 10 in a village in Czechoslovakia and then photographs taken of the grinning executioners with the corpses of the executed around them; children thrown into the air so that a camp commandant could shoot them like clay pigeons to amuse his nine-year-old daughter; Poles made to dig their graves with their bare hands before being shot and then finished off with blows from spades; small children killed by a guard who was adept at swinging them so that they were killed with one blow of their heads against a wall; an officer, moved to break the monotony of day-to-day murder by looking for novel ways to kill, betting that he could cut a 10-year-old boy in

half with one blow of an axe and then doing it...

The contemplation of these crimes, Senator Macklin, said "moves one to despair for humanity".

He thought that the trials of those accused of war crimes were necessary to bring "belated justice to the millions who suffered" and that humanity had "an obligation to the murdered" to see, where possible, that their murderers got their comeuppance.

Senator Macklin, bringing his moist speech to a wringing wet conclusion, said he was unable to say to the murdered and to their Australian families and friends, "Just forget about it", and that he did not ever want to have to admit to his children that he had taken the view that he should just forget it when the chance came to fulfil those belated obligations by voting for a Bill which would bring some war criminals to trial.

Senator Stone, not at all moved, said that what Senator Macklin had done in going into the events of 43 to 48 years ago "at great length" (his voice implying that the length was altogether too great) was a great example of precisely the kind of "rhetoric" that would be heard when and if the war crimes "show trials" came to pass.

He thought that what Senator Macklin had done, in arranging a speech around so much "ghastly detail" was an easy thing to do and something that any senator, in search of cheap effects, could do.

"Rhetoric? You call that rhetoric?" marvelled Senator Aulich (Lab, Tas) wondering what had been at all rhetorical about Senator Macklin's catalogue of horrors.



Senator John Stone intellectually stimulating juxtaposition of the wet and dry approach.

Senator Stone said that yes, the speech partook of the "emotional and emotive nature" of the subject matter and that it was because the war-crimes issue generated such powerful emotions and such passionate expressions of those emotions that there was "no chance" of anyone getting a proper trial.

Senator Stone said it was a disgrace that the Australian Democrats were supporting the Bill and that "the show trials that will spring from it [the passage of the Bill] will also be a disgrace", a view that should interest those Australian judges who think they are competent to prevent their courts from becoming too vaudevillian.

Display under attack for 'bias'

constitutional exhibition now on display in Parliament House has come under attack as being biased towards the Government.

Senator Shirley Walters (Lib, Tas) told the Senate yesterday that the display, requested by the Prime Minister's Department and produced by the National Library, was a miscarriage of truth.

Speaking during the Matters of Public Interest debate, Senator Walters said she was particularly upset by the cover of a pamphlet associated with the display.

The pamphlet featured a cross surrounded by a dotted line with the words "out around here" written on it.

On one side of the cross are the words "British (1901) map" and on the other side "Republic Australia".

Senator Walters said she ignored the constitution's Australian clause. She said facts given in the pamphlet about the sacking of the Weimar Government in 1933 were also untrue.

Senator Walters said she asked the National Library about the cartoon and was told "we wanted something lively not bland".

Price network 'con'

The Labor Government was trying to "con" the public into believing the National Prices Network was only a community-based voluntary organisation, Senator Jim Short (Lib, Vic) told the Senate yesterday.

"The network is an ALP operation funded by taxpayers," Senator Short said during the Senate's lunchtime Matters of Public Interest debate.

Significant taxpayer funds were being diverted to ALP politicians to run what was an "ALP front".

He said \$46,000 had been used for part-time staff for the network in the office of ALP caucus secretariat coordinator Ross Free (Lab, NSW), and \$87,500 had been made for computer software and hardware for ALP MPs and the offices of the ALP caucus secretariat.

The Government had also granted \$66,000 to the Australian Federation of Consumers' Organisations and the Australian Pensioners' Federation, with a further \$33,000 due.



Senator Jim Short

Aboriginal art appointment questioned

A man who was reprimanded six years ago by the then general manager of the Australia Council over his work with Aboriginal art has been appointed by the Minister for Aboriginal Affairs, Gerry Hand, to a three-person committee to review the Aboriginal arts and crafts industry.

Last Week Senator Chris Puplick (Lib, NSW) asked whether Mr Chris McGuigan was the same person who had been reprimanded for offering for private sale Aboriginal works of art which had been placed in his custody but which were the property of the Australia Council.

Yesterday, the minister representing Mr Hand in the Senate, Senator Michael Tate, said Mr McGuigan had been reprimanded for "failure to maintain full documentation concerning the consignment of art works from the Aboriginal Arts Board to a privately owned gallery in Sydney, and for what was thought to be his failure to consult fully with other officers of the council on the matter".

Senator Tate said the team to review Aboriginal arts and crafts had been selected for their understanding of economic matters, knowledge of Aboriginal art and background in arts administration. Mr McGuigan fitted the criteria.

— LENORE TAYLOR

New agreement

Australia is preparing to sign a new quarantine agreement with Indonesia as part of a review of its quarantine services, Resources Minister Senator Peter Cook said yesterday.

He said the agreement would be similar to a Memorandum of Understanding which Australia and Papua New Guinea signed five weeks ago and would shore up protection of the Torres Strait and Australia's northern coastline.

Richardson chided for Kakadu remark

Resources Minister Senator Peter Cook chided yesterday Environment Minister Senator Graham Richardson for making premature remarks on contentious mining plans in the Kakadu National Park conservation zone.

Senator Richardson warned in Washington on Wednesday that while the Coronation Hill mine could well go ahead, he had grave reservations about BHP Gold's plans for additional leases.

Launching an independent economic analysis of Australia's forest industries yesterday, Senator Cook said the Government was still involved in a process of assessing the Kakadu proposals and had not made any decisions.

The report, by the Canberra Centre for International Economics, was commissioned by the National Association of Forest Industries.

"It is not wise to say what one's opinion is until one's gone through that process," Senator Cook said.

While "some ministers might think it appropriate to comment" on what the final decision would be, he thought it better to wait until the process was complete.

"That makes me quite a cautious minister," he said.

He also hailed Tasmania's environmentally contentious Westley Vale pulp mill as holding the promise of reducing Australia's trade deficit and boosting employment. His comments followed Senator Richardson's vow to go through the Westley Vale environmental impact statement "with a fine-tooth comb".

Senator Cook believed the mill could make a major contribution to Australia's balance of payments problem.

Warning on toy safety

Companies which supply infant toys with unsafe parts face fines of up to \$100,000 after January 1, Consumer Affairs Minister Nick Bolkus warned yesterday.

He said tests carried out on 60 toys by the Bureau of Consumer Affairs found many had hazardous parts which could be inhaled or swallowed by youngsters.

"The toys that failed the tests included stuffed toys, bathtub toys, crib toys and learning toys," he said in a statement. Although many of the toys were labelled as not for children under three years, many people would believe they suited such children.

Senator Bolkus said infants tended to put things in their mouths and the risks to their health when choking were not fully developed.

"The Commonwealth has a requirement to prevent toys for children under three years being sold if they contain small parts or will produce small parts under reasonable use and abuse," he said.

"The results of our tests indicate that suppliers need to improve the quality of their toys to meet the new requirements."

He said that from January 1, toys for children under three would be subject to tests under Australian safety standards.

Child laws in need of 'urgent attention'

The Family Court and state children's courts would be given the same jurisdiction to deal with cases affecting children under changes recommended in a report on child sexual abuse.

The report, by the Family Law Council, stated that some issues, including the jurisdiction of the different courts and the way in which children give evidence in court, needed "urgent attention".

The director of research for the council, Virginia Buring, said yesterday that "a crucial part of the report" recommended that family-law jurisdiction be vested in state children's courts or that the Family Court and state children's courts share jurisdiction in matters relating to children. At the moment, state children's courts deal with cases where the state welfare authority, the police or someone else seeks a court order limiting or removing parental rights in order to protect a child from some form of abuse or threat to their well-being. They also deal with cases where a juvenile is charged with an offence.

Generally, the Family Court has jurisdiction to deal with any matters relating to access to, custody of and maintenance of children of a marriage. The report said

it was common for "proceedings involving the same child and often involving the same or similar evidence and allegations to be instituted in the Family Court and a children's court... It is often difficult to decide in advance what issues will emerge as dominant and which court is the more appropriate" to deal with such cases.

The report said that under the present system and law "all courts [were] deprived of jurisdiction to deal adequately with the total welfare of the child in one court or at one time".

The report also recommended that the existing Family Court practice that children were not required to give direct evidence, except in special cases, be continued, and that other measures be introduced to reduce the trauma of giving evidence.

Suggestions included the use of closed-circuit television or one-way glass between the child and the courtroom so the child could give evidence away from the intimidating atmosphere of the courtroom and away from view of the defendant in cases of alleged abuse.

The Canberra Times Christmas/New Year Business Hours

	Counter	Telephone Ads
Saturday, December 24	8am-noon	8am-noon
Sunday, December 25	Closed	4pm-8pm
Monday, December 26	8am-noon	8am-8pm
Tuesday, December 27	8am-noon	8am-8pm
Wednesday, December 28	8am-8pm	8am-8pm
Thursday, December 29	8am-8pm	8am-8pm
Friday, December 30	8am-8pm	8am-8pm
Saturday, December 31	8am-noon	8am-noon
Sunday, January 1	3pm-8pm	3pm-8pm
Monday, January 2	8am-noon	8am-8pm



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MONDAY 19 December
All Stores — 9 am - 9 pm

TUESDAY 20 December
All Stores — 9 am - 9 pm

WEDNESDAY 21 December
All Stores — 9 am - 9 pm

THURSDAY 22 December
All Stores — 9 am - 9 pm

FRIDAY 23 December
All Stores — 9 am - 9 pm

SATURDAY 24 December
Canberra Stores — 8 am - 12 noon
Queanbeyan Store — 8 am - 5 pm