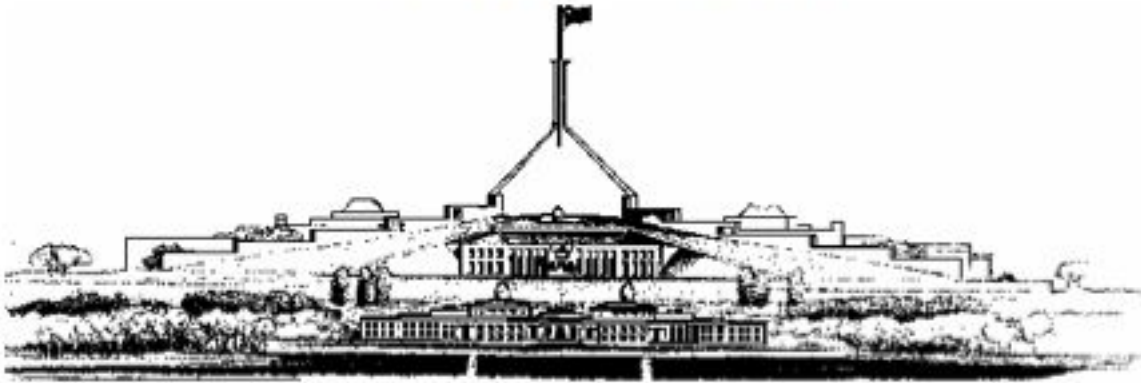




COMMONWEALTH OF AUSTRALIA

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	Source Senate
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Questioner	Responder
Speaker Patterson, Sen Kay	Question No.

Senator PATTERSON (VIC) (12.52 pm)—I would like to thank Senator Harris for his contribution, although we will not be able to support his amendment. The War Crimes Amendment Bill 1999 repeals section 22 of the War Crimes Act 1945. Section 22 imposes a specific requirement for the content of extradition requests to Australia in respect of conduct which will be covered by the act, that is, certain crimes committed in Europe during World War II. Currently such requests must be accompanied by the presentation of evidence which establishes a prima facie case that the person has committed the alleged conduct. The main justification for the repeal of section 22 is that it is no longer appropriate to include this onerous requirement for war crimes extraditions, particularly following the emergence of newly independent states in Europe from behind the Iron Curtain.

In principle, Australia is interested in establishing modern extradition arrangements with such countries should they be accepted as members of the Council of Europe. Enactment of this bill, together with the conclusion of such arrangements, will increase significantly our ability to cooperate with other countries which seek our assistance in bringing alleged war criminals to trial.

With respect to the amendment that Senator Harris has put forward, the government's response is that it rejects any implication that Australians who served in Europe during World War II may have been involved in war crimes, and it would be entirely inappropriate for the Commonwealth parliament to endorse such a suggestion in legislation by enacting laws specifying that these persons require special measures to protect them from such allegations. The Minister for Justice and Customs has corresponded with the National President of the RSL on this issue, and I understand that the RSL has indicated its acceptance of the government's position. For these reasons, we will not be supporting Senator Harris's amendment. I commend the bill to the Senate.

Question resolved in the affirmative.

Bill read a second time.