



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



HOUSE OF REPRESENTATIVES

**INTERNATIONAL
CRIMINAL COURT BILL 2002**

**INTERNATIONAL CRIMINAL
COURT (CONSEQUENTIAL
AMENDMENTS) BILL 2002**

Second Reading

SPEECH

Tuesday, 25 June 2002

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

SPEECH

Date Tuesday, 25 June 2002
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Questioner
Speaker Katter, Bob, MP

Source House
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Mr KATTER (Kennedy) (10.01 pm)—I do not wish to take up the time of the House by dividing the House. I understand that I am able to request that my vote be recorded in the negative without dividing the House. I will request that that be done, because I most certainly unequivocally oppose the International Criminal Court Bill 2002 and the International Criminal Court (Consequential Amendments) Bill 2002, and I do so in a fairly public manner.

My reason for doing this is not coloured by the fact that I come from Charters Towers, which was the home of Breaker Morant. But Churchill's aphorism that those who do not know history will be doomed to repeat it is, in my opinion, enormously true. In the days of Breaker Morant, we stood side by side with Great Britain in the hope that, at all times, Great Britain would stand beside us. We were a little nation of one million or so people at that stage and we were surrounded by huge giants that could have blasted us away at any time if we had not had the protection of the Union Jack. So we went off to a war in South Africa that we should never have been involved in: the Boer War.

To anyone who likes reading books, I strongly recommend that they read Robert Massie's book *Dreadnought*, which I think gives the best explanation of the causes of the First World War. One of the most important causes of the war was the horrific atrocities that were committed by the British against the Boers in the concentration camps. Some 28,000 women and children perished in those concentration camps. You have to get to the horrific episode in history associated with the name of Adolf Hitler before you find something comparable to the death of those 28,000 people in the concentration camps in South Africa. The world was revolted by what took place in South Africa. World opinion was enormously hostile to Great Britain. The Germans, who had a racial and a religious affinity with the Boers, could not get there, because they did not have a navy. If they had gone overland—this was before the days of motor vehicles—it would have taken two years for an army to march that distance. So they could not help their brothers as 28,000 of them perished in the camps.

I am coming to where this is most relevant to these bills. Even though we as Australians were totally innocent of what happened—we had no control over the concentration camps; we had absolutely nothing to do with them—the British had to placate world opinion. World opinion was savagely and almost unanimously opposed to them—and quite rightly. It was a war, to put it at its best, over the gold mines and who would own them, and, at its worst, it was imperialism with the ugliest face possible. World opinion was assuaged and placated by taking a couple of dozen Australians out and shooting them. That was the way world opinion was placated.

A senior officer in one of our special combat units, who has seen an awful lot of combat himself, has said: 'As servicemen, we would ask you not to put us in a situation where we are controlled by the Americans. I am not hostile to the Americans. On the contrary, I am very pro-American, but it is fraught with very grave dangers, and not just of a strategic nature.' There is no doubt in my mind as to what he was referring to. Anyone of my age will have heard all of the stories that came out of Vietnam during the Vietnam War. I do not condemn any soldiers. I find it very difficult to condemn soldiers. War is, of its very nature, a very savage action and terrible things occur. Warfare is an atrocity in itself. In a conflict, atrocities will occur and they are actually referred to as warfare. Warfare is, by definition, an atrocity.

So we have people involved in this terrible happening called warfare. But in the case of Breaker Morant, no-one was game to take on the people that were responsible for the misbehaviour and the appalling, dreadful things that happened in the concentration camps in South Africa. No-one was game to take on the British, who had the mightiest navy on earth—more than twice the size of any other navy on earth—and the biggest empire the world has ever seen, before or after. No-one was going to pick a fight with the British. So the Australians became the sacrificial lambs. I do not hesitate to say in this place that our servicemen will be placed in the gravest of jeopardy by the legislation that is passing through this House at the present moment.

For those people who say this will be an institution of great justice—I have seen institutions of great justice. A person who was named Australian of the Year precipitated events in which some my colleagues in the state

house in Queensland went to jail because they had used their government car for private purposes. Twenty-five per cent of the cars in Australia are purchased under a government contract of one type or another and every single one of those cars will be used for private purposes today. The bitter well of human experience has brought home to me with a vengeance that the justice system is very much a product of public opinion of the day.

Whilst we may be—and I am myself—a very enthusiastic supporter of our relationship with America, we must also act in a responsible and sober manner. If you had read the last *Time* magazine—or it may have been the one before that—you would have seen an article headed 'Anti-Americanism'. The concluding sentence read: 'To hate America was to hate human beings.' The article was about the anti-Americanism sweeping Europe. If the Europeans are anti-American—and most of the old Communist states are anti-American—if China is anti-American, if Japan, through the trade battle that they have continuously, is not very sympathetic towards the Americans, and if the Middle East is not very sympathetic to the Americans, we are running short of people who are sympathetic towards America. Yet we are locked into a situation where we will be held responsible for every single thing that is done there.

All of that is acceptable to me. I am a very strong supporter of our relationship with the United States. But what is not acceptable to me is that, whilst the Americans are not prepared to put their citizens at risk because they understand the world situation, this country, once again, is prepared to put our citizens at risk. There is a sickness in this place. Until I came into this parliament I never used the term 'cultural cringe' and the reason for that was that I did not understand the term. I was brought up in Cloncurry and we did not cringe to anyone and I did not believe that Australians did. It was not until I read the OECD report on agriculture that I understood clearly what 'cultural cringe' meant, because here was a document saying that every single advanced country on earth had increased their support levels for agriculture and there were only two dummy countries that had not. The two dummy countries were New Zealand and Australia.

The DEPUTY SPEAKER (Hon. I.R. Causley)—Could the honourable member for Kennedy explain how that has got anything to do with the International Criminal Court?

Mr KATTER—Mr Deputy Speaker, it is most relevant to the International Criminal Court Bill 2002 because the reason that we have proceeded here is that we believe in globalisation. Every time a group of countries says, 'We should do this for the sake of all of the countries on the planet and for peace and enlightenment in the world,' then we go along with the garbage, whatever it might be and whatever danger it is to this nation. We can see it clearly in the case of agriculture, where it was enormously to the detriment of this nation—where it has been an absolutely, unbelievably destructive force.

We are doing exactly the same thing with this legislation tonight. We are placing the real interests of this country, and particularly our servicemen, in danger. I have the very great honour of representing some of those people. Townsville has the greatest concentration of service personnel in Australia and a lot of them live in the northern beaches area that I have the honour of representing. So I stand up here today to speak on behalf of those people who are extremely worried. This place has no hesitation in putting the bodies and the lives of those men on the line. When they ask us to protect them and not to place them in jeopardy through world courts, we do just the opposite. There must have been people in the state parliament during the Boer War saying the same sort of things that I am saying now, particularly about that terrible situation that surrounded the Breaker Morant incident.

Let me switch to an entirely different angle involving grave dangers for this bill. Article 6 of the Rome Statute of the International Criminal Court reads:

Article 6

Genocide

For the purpose of this Statute, 'genocide' means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part—

and probably the land laws of Australia some are arguing might qualify for that criterion—

(d) Imposing measures intended to prevent births within the group;

(e) Forcibly transferring children of the group to another group.

Let me just concentrate on (d) and (e) because I was threatened with the sack if I had not agreed to put condom vending machines in supermarkets in the Aboriginal communities. Premier Ahern told me that if I did not agree by five o'clock in the afternoon I would be sacked. I agreed and before I implemented it I resigned from the cabinet. In fact, I was one of the three or four people that sacked him some few months later.

The DEPUTY SPEAKER—Member for Kennedy, I have great problems in seeing how condom vending machines have anything to do with the International Criminal Court.

Mr KATTER—Mr Deputy Speaker, the statute states:

(d) Imposing measures intended to prevent births within the group.

At the time, the papers were full of outcries from people of Aboriginal descent in the Aboriginal communities that that was what was being done—that this was a plot by the Queensland government to eliminate them as a race. For the record, there were condom vending machines at all the medical aid posts—they were there all the time and they provided condoms for free.

The point that I am making is already on the record: charges of genocide were laid on the basis of these sorts of activities. If you think that people are not going to go after officials in this government and in the state governments on the basis of paragraph (d), you probably believe in the tooth fairy. All the great intellectual placebos that we have been given today say, 'You are quite safe; you do not have to worry about this because the law says such and such.' My 30 years of public life indicate to me that that means nothing. They are nice sounding words coming from lawyers, some of whom still believe in a system that can be corrupted just like any other system, and corrupted in a very profound sense of the word. Let me come to paragraph (e), which states:

Forcibly transferring children of the group to another group.

I probably have two or three dozen such cases on my books as a state or federal member. The vast bulk of those cases were families of Aboriginal descent. The point that I make to the House is that, as I have said on numerous occasions, the issue of stolen children is taking place right at this very moment. Middle-class values are being imposed upon people. I am not saying that they are perfect parents. They may not be perfect parents, but they are still the parents of these children, and those children are being taken away on a continuous basis right at this very moment.

So to all the clever people in this place I say: I actually know and am very friendly with people who believe that there are people in this place who are in flagrant breach of paragraphs (d) and (e). All they have to do is go to the Prosecutor. The Prosecutor takes it to the Pretrial Chamber, and the judges reflect the opinions of the wider public. If there is a rising tide of anti-Americanism through the world—I am referring now to the Defence Force matters—the judges will have a particular attitude in those pretrial hearings. So too, if world opinion is very strongly on the side of the first Australians—the Aboriginal people, as some people call them—the judges will decide in their favour. That has been my experience through all my recent involvement with the legal tribunals. They will follow public opinion. I suppose, to some degree, that is not necessarily a bad thing—in fact, maybe that is the way it should be. But that exposes many public officials in this country to this outside court. You say, 'They cannot pluck anyone off the street here.' I have never been overseas and I do not intend to go overseas, so it will not worry me much but, quite frankly, if you set foot outside this country, the protections that are provided in this bill will be worth absolutely zilch.

I am totally opposed to this measure. It is a continuing, grovelling sycophancy towards international interests. I have seen similar things in interstate conferences. As a minister, Mr Deputy Speaker Causley, you will have seen that everyone at ministerial conferences likes to be agreeable—they do not like to introduce discordant notes. Of course, we get an outcome that might suit the majority of Australians, it might suit parts of Australia very greatly, it might suit the Australian people as a whole, or it might be enormously detrimental to the interests of one state or another, yet they roll over and go along with it, in spite of the fact that it is to the detriment of their state. What applies at interstate meetings is exactly what applies when our officials go to international meetings. Exactly the same forces are at work. I just see the cultural cringe flashing in neon lights with this bill, and I want to put my opposition on record, because some day someone will ask how we could ever have agreed to such a stupid and dangerous proposal as is being put forward here.