HOUSE OF REPRESENTATIVES

Federation Chamber

CONSTITUENCY STATEMENTS

Lieutenants Morant, Handcock and Witton

SPEECH

Monday, 27 February 2012

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES
Mr HAWKE (Mitchell) (12:09): I rise today to mark the 110-year anniversary of the sentencing of three Australian veterans at the Boer War. The Breaker Morant case, who was convicted in 1902 along with two others, Peter Handcock and George Witton, for executing Boer prisoners of war is, of course, embedded in our nation's psyche. On behalf of their descendants, who still seek but are unable access justice, I rise once again in this parliament to say that it is timely for the Australian government to do everything it can to assist the modern-day descendants of these men to access a judicial review of this case.

It is the case that the executions were conducted with extreme haste and without appeal. The Australian government was not informed until some two months after the events. At the same time around 80,000 Australians signed a petition to release George Witton and to pardon Morant and Handcock. Considering that at this time this represented about 2.5 per cent of Australia's population, this was an extraordinary number of people. Today, of course, it still remains in the psyche that this injustice could be perpetuated upon Australian soldiers in that the executions were done without fair process or judicial review.

I last addressed this parliament on 15 March 2010 after a public hearing conducted by the Petitions Committee. On that occasion I described the case for the pardons as strong and compelling. Given that other countries in recent times, including Canada and Ireland, have sought redress of injustices on behalf of the British in World War I and have received same under the Defence Act 1903 and, given that the men who were executed—Morant, Witton and Handcock—led to the saving of hundreds of Australian soldiers' lives in World War I because they were unable to be executed by the British because of what had happened in the Boer War, I think it is important that we seek British government's assistance in releasing all of the available records in relation to this case so that the modern day descendants can know what happened and rightly, if necessary, receive a judicial review and pardon.

It is an episode that appeals greatly to every Australian because of the doctrine of fairness which says that no-one should be treated differently because of their birth, rank or status. We do know that these men were treated differently because of their birth, rank and status. We certainly need legends in Australian history.

I note that the former Attorney-General Robert McClelland announced that he was persuaded by the evidence that had been submitted to him that these men may not have been tried and sentenced according to the laws of 1902, and that he was concerned about the absence of procedural fairness. He also announced that he would write to the British government to make his views known, which he did at the time. The matter now rests with the current Attorney-General, the member for Gellibrand, Nicola Roxon, for consideration and action.

I am convinced that some form of redress is necessary in this matter and could provide the current generations with some relief after decades of controversy. The passing of time does not diminish any injustice. I urge members of this parliament to support the review undertaken by the former Attorney-General and urge the current Attorney-General to forward the evidence that substantiates calls to overturn the convictions and sentences of these men.