

Senate Legal and Constitutional Affairs Legislation Committee

**Inquiry into the Criminal Code Amendment (Genocide, Crimes Against Humanity
and War Crimes) Bill 2024**

Answers to Written Questions on Notice

On 31 July 2024, Senator Thorpe placed the following two written questions on notice with Amnesty International Australia:

1. You recommend for section 269.121(1), which is affected by my bill, to be amended to limit the scope of the AG's powers by establishing clearer guidelines, rather than fully removing the AG's fiat. Why is that?
2. Most countries do not have an AG's fiat so why do we need it here at all?

Amnesty International Australia provides the following combined answer to the written questions on notice:

Amnesty understands the reasoning and in principle supports the intended effect of the current Bill before the Committee as well as the recommendation found in many submissions to this Inquiry relating to repealing in-full the requirement of consent in relation to the Attorney General. However, it is also true that there are very few international standards prescribing how this process should work at a domestic level, as the spectrum of national practices with regard to when does a prosecutor "have" to bring a case is quite wide and diverse. It is for this reason, paired with the political realities facing this Committee and the importance of generating some positive change in this area, that Amnesty's recommendations have instead focused on changes that increase the likelihood of this.