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Submission No.68.....

To : Inquiry Secretary, Mr. Bob Morris
 Joint Standing Committee on Treaties
 Department of House of Representatives
 Parliament House
 Canberra ACT 2600

From : Doug & Helen Harrison
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re : INTERNATIONAL CRIMINAL COURT

Dear members of Inquiry,

We are very concerned that you and the Australian Government could even contemplate such a matter let alone conduct an enquiry on the subject of allowing any part of our justice system and courts of law to be conducted off-shore.

From the days when men contemplated the formation of the nation, Australia, they foresaw that the administration of justice to be a local matter.

Our founding father, Sir Henry Parkes put forward his proposal in 1890 that included a final court of appeal – the Australian Privy Council. In 1891, in his draft copy of a proposed Australian Constitution, Inglis Clark, concurred with Parkes, being adamant that the final court of appeal should be within Australia. Clark's draft became the basis of the Australian Constitution.

Prior to this in 1870, the Victorian colonial Parliament had conducted a Royal Commission, which sort a final court of appeal within Australia for all the colonies. It was rejected by the (British) Privy Council.

In the passage of the Bill for an Australian Constitution through the British Parliament in 1900, the role of the British Privy Council vs the supreme Appellant Court within the Commonwealth of Australia was one where the Australian colonial delegates and British official clashed. A compromise was reached, but it never satisfied the Australians.

The compromise was that internal constitutional disputes were resolved here, unless we sort assistance, whilst matters of justice and laws that could affect the whole Empire could reach the British Privy Council.

This compromise was to vex Australia for years, until 1986 when all appeals to the British Privy Council were abolished by the Australia Act 1986, to which the British Parliament by legislating in like manner so agreed.

From thence, the High Court of Australia has acted as our Australian Privy Council, although I do not believe that is what the Supreme Court of Justice (i.e. the High Court) should be doing as there is a conflict of interests and role within the constitutional framework of our nation.

WHY IS THE INQUIRY PROCEEDING ALONG THIS LINE OF ENQUIRY WHEN FOR AT LEAST 130 YEARS SINCE 1870 WE AS A PEOPLE & GOVERNMENTS HAVE SOUGHT THE OPPOSITE OUTCOME, AND HAVING ACHIEVED THAT IN 1986, YOU NOW SEEK TO REGRESS TO A WORSE POSITION OF AN UNKNOWN SYSTEM & ADMINISTRATION OF JUSTICE (& legal interpretation of our laws)

Doug & Helen Harrison

