

To the committee,

The sections sought for repeal are unconstitutional -They are subordinate to article 75 of The Constitution. The sections only serve to pervert the course of justice by preventing the court from having a matter brought before the court. Not that it really matters. My confidence in the justice department being shattered following the absolute non-application of Subdivision J to any of the high-profile persons or politicians recently de jure finding themselves liable for 5 years imprisonment.¹

I would recommend amendments to the Diplomatic Privileges and Immunities Act 1967 and Consular Privileges and Immunities Act 1972. These acts constrain diplomatic privilege to acts performed in an official capacity. War Crimes are always performed in an official capacity. This would comply with article 9 & 11 of the Vienna Convention maintaining Australia's right to refuse to accept officials of a particular category ie. War Criminals. At present such prosecutions require the minister of Foreign Affairs to declare a person non grata. The person of such a category could be recognized as non grata. As such courts need not consider questions of immunity nor the consent of the foreign minister or attorney general. May the political purge commence.

1. Birchgrove Legal (4 March 2024) Communiqué to the Office of the Prosecutor of the International Criminal Court Under Article 15 of the Rome Statute Conduct of members of the Parliament of Australia, in relation to the situation in Gaza, Palestine: Accessorial Liability for genocide. https://birchgrovelegal.com.au/wp-content/uploads/2024/03/ICC-Referral-Australian-Government-Ministers-and-Opposition-Leader-04032024_BLG.pdf

Robert Heron