

Greg Hunt

[Start of recorded material]

[00:00:00 – 00:00:27 – Background conversation]

Interviewer: I'm with Greg Hunt, MP, Shadow [00:00:30] Environment Minister and Heritage Minister. Greg, good morning, and thank you very much for the time to talk to you about this important case.

Respondent: It's a pleasure.

Interviewer: After 111 years this case of Lieutenants Morant, Handcock and Witton still remains controversial in Australian military history. What do you think it is about this case that it's remained so passionate and controversial?

Respondent: Well I think the concern is that two Australians were executed in a summary [00:01:00] fashion without justice. Now none of this excuses what was clearly a heinous act in relation to the prisoners under care, but it is time, in my judgment, for a proper independent inquiry. That may not change the decision of the court, it may reverse the decision, or it may say that there were mitigating circumstances that these were actions taken under orders. [00:01:30] But there was no justice, there was a summary execution after a sham trial and there deserves to be a full trial. This will not ever excuse their actions, but similarly it is clear that the actions of the colonial administration of those who were running the Boer conflict were equally [00:02:00] reprehensible. And if there is a stain on the historic record we need to address it.

Interviewer: You've had the opportunity of reading the comments of an interview with Geoffrey Robertson, QC. Do you think Geoffrey's opinions about recommending an independent judicial inquiry are helpful?

Respondent: Well I actually agree with Geoffrey Robertson. Not only is he probably the most esteemed international jurist in the Human Rights space that Australia [00:02:30] has produced in the last half century, but I think he's right.

What he is saying is the underlying act was unforgivable, and so we must never try to gloss over that, and we must acknowledge responsibility as a country. However, the response was equally reprehensible where there were many people involved, only Australians were selected out, the third member of the Australian team that was convicted was subsequently [00:03:00] subject to a commutation as a result of actions by Sir Isaac Isaacs, and was in fact released from prison. So, of the three members, two were executed, one was... the third one was released, and the Australian government of the time responded in 1903 by changing the law so as no Australian serving under the British military authorities could ever again be subject to execution. So it's clear [00:03:30] that this is not just a historical rewriting, but the fact that in... at the time there was no chance to prepare a defence, there was no chance to call defence

witnesses, there was no chance to plead the primary case of acting under express clear orders and indeed British policy, and there was no chance for the Australian government to be notified, and finally there wasn't even a chance for appeal, there was a conviction in the evening and an execution [00:04:00] in the morning. These things say that the process, the procedure, the trial context were clearly those of a show trial no matter how unforgivable the subject of that trial was.

Interviewer: In March 2010 I appeared at a public inquiry conducted by the House of Representatives Petitions Committee comprised of members from both sides of parliament, and [00:04:30] at the conclusion of the hearing on the 15<sup>th</sup> of March a number of committee members made comments in the floor of parliament. What significance do you attach to the committee's findings that the case was strong and compelling for review?

Respondent: Well I agree. I think that there is a recognition that there was a sham trial process, let's be clear. I think 111 years [00:05:00] on we can all bear the tensions, nobody is going to suffer some tragic breakdown in relations between the UK and Australia, we're all far enough on that we can deal with this. If there is a historic wrong then let us right it, and remember it this, that one egregious wrong which was the killing of the prisoners does not justify another [00:50:30] egregious wrong which was a selective sham show trial and summary execution.

Interviewer: In 2011, Robert McLelland, MP, who was then the Attorney General, formed the view that he was going to make representations to the British government about his concerns about the denial of due process. Now that hasn't happened because Robert's been replaced by two subsequent Attorneys General. What's your view of Robert's view of the matter? [00:06:00] Do you also support his call?

Respondent: Well the Attorney General of Australia, as he then was, determined that there was a manifest injustice and the case for a review. That is something of significance, it is a great matter of regret that subsequent Attorneys General had not seen fit to pursue justice for the Australian historic war record and for the individuals involved.

Again, [00:06:30] no excuse for the actions. All of those involved needed to be brought to justice, but the question is was there proper justice, and what should have been the level of that justice. The fact is that there was a policy, and clearly orders that certain steps be taken. Well if those orders were present that has an impact on the decision, [00:07:00] it never excuses something which is arguably a war crime, I don't think actually 'arguably' is the right word, which was undoubtedly a war crime, but similarly in that context the question is who was responsible, why were the three Australians the only ones picked out, why is the third Australian forever treated in a different way, and I think that's because the Australian government and an eminent jurist

[00:07:30] such as Sir Isaac Isaacs was able to represent that case, so what we see is that there was an underlying wrong which certainly deserved action, but there was the selection of scapegoats rather than an inquiry into all of those involved, proper allocation of responsibility, an appropriate trial, and appropriate treatment and punishment [00:08:00] at an appropriate level for everybody who was engaged in this process.

Interviewer: In September we're facing an election. Would you have a message for any subsequent Australian government as to what it could do to bring this controversy to an end?

Respondent: Well my view is that any Australian government at any time should seek final resolution, and if we are elected then I will continue to work within the parliament to see that outcome. [00:08:30]

Interviewer: And finally, the position of the descendants of these men has always been that they want resolution, that they are an important player in this whole controversy. What's your view about the issue surrounding the descendants? Have you got any views about that?

Respondent: Well I think it's a very simple issue. If a wrong was enacted then this echoes through the ages, and it is commendable that the descendants [00:09:00] are retaining the sense that they want to have that wrong addressed.

Interviewer: Greg, thanks for your time today and I look forward to keeping you briefed on future developments.

Respondent: It's a pleasure.

Interviewer: Thank you.

Respondent: Thank you.

[00:09:16 – 00:09:19 – Background conversation]

[End of recorded material]