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**JOINT STANDING COMMITTEE ON FOREIGN AFFAIRS, DEFENCE AND TRADE
HUMAN RIGHTS SUBCOMMITTEE**

**INQUIRY INTO AUSTRALIA'S EFFORTS TO ADVOCATE FOR THE WORLDWIDE
ABOLITION OF THE DEATH PENALTY**

Australian Federal Police

Questions on Notice

Senator Smith asked the following questions on Friday 13 September 2024:

1. **Senator DEAN SMITH:** Who conducts the reviews? We had a 2018 review of the AFP guidelines and a 2021 review. Who undertakes the review? Who is the reviewer?

Mr Mansfield: I'll take that on notice, please.

Senator DEAN SMITH: Is it an internal person, or is it someone who has an association or a familiarisation with AFP processes, or is it someone external to the organisation?

Mr Mansfield: I'd be minded to say that it's internal with assistance as necessary, and that might be a previous member or someone completely external. But, please, I'll take that on notice.

...

2. **Senator DEAN SMITH:** In the three reports that have been done since 2018, have all the recommendations been accepted from those reports?

Senator DEAN SMITH: Paragraph 33 says the AFP national guidelines are regularly reviewed and updated. There were three internal AFP reviews since 2018, which resulted in amendments and refinements, and then the following paragraphs at a very high level go and identify what those AFP reviews had proposed. My question is, were all the recommendations contained in those reviews accepted? Is it possible for the committee to see those reviews—if necessary, confidentially?

Mr Mansfield: I'll have to take that on notice.

Senator DEAN SMITH: Okay. The question is: How many recommendations were there, and were they all accepted? If possible, can the committee see those three reviews on a confidential basis.

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The response to the senator's question is as follows:

1. The AFP National Guideline is regularly reviewed and updated, with three (3) internal AFP reviews since 2018, which resulted in amendments and refinements to the National Guideline. These reviews of the AFP National Guideline were undertaken by internal AFP members who have requisite knowledge of AFP and related Government policies and processes in relation to death penalty matters.
2. The AFP has endorsed all recommendations from reviews undertaken of the AFP National Guideline since 2018.

In 2018, there were three (3) recommendations that resulted in alignment of the National Guideline to be consistent with the Australian Government's response to the Joint Standing Committee on Foreign Affairs, Defence and Trade report, updated processes for consideration and decision on applications and greater guidance on the prescribed factors in a request to the delegate (*then Manager International Engagement*). These prescribed factors explicitly state elements for consideration, including, but not limited to the below examples:

- the seriousness of the suspected criminal activity;
- level of risk to others including public safety;
- the level of risk for the person in providing the information, including the likelihood the death penalty will be imposed.

In 2021, there were three (3) recommendations that resulted in minor procedural and terminology amendments and further details to assist operational members in the application of the National Guideline. Additionally, minor amendments were made in 2022 to remove a specific country from the National Guideline after that country repealed the death penalty.

In 2023, there was one (1) recommendation that amended the National Guideline to include delegated authority vesting in the Sensitive Investigations Oversight Board (SIOB).

Due to the sensitive nature of subject matter the AFP is unable to provide the reviews in their entirety to the Committee.