

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS  
ATTORNEY-GENERAL'S PORTFOLIO

**Group: 2**

**Program: 1.1**

**Question No. AE15/116**

**Senator Wright asked the following question following the hearing on 27 March 2015:**

1. Please provide details of the assistance provided by the Attorney General's Department to Myuran Sukumaran and Andrew Chan and their families – for example, has the AGD provided financial assistance to cover their legal expenses?
2. Has the Department reviewed the current AFP guidelines on police-to-police assistance in death penalty matters – last updated in 2009 – to ensure that the guidelines comply with Australia's international commitment to proactively push for the abolition of the use of the death penalty?

**The answer to the honourable senator's question is as follows:**

1. The Australian Government made every possible effort to seek a stay of execution for Myuran Sukumaran and Andrew Chan, including making multiple high-level representations and offering consular support. This included formal representations made by The Attorney-General to the Indonesian Attorney-General and the Indonesian Coordinating Minister for Political, Legal and Security Affairs; the Minister for Justice to the Indonesian Minister for Law and Human Rights in accordance with the Government's policy to leave no stone unturned.

The Attorney-General's Department may provide legal financial assistance to Australians overseas to help with the legal costs of their defence if they are facing a criminal charge punishable by imprisonment of 20 years or more, or the death penalty. Assistance is targeted towards people who cannot afford to pay their legal costs.

All applications for legal financial assistance are treated as confidential, consistent with Privacy Principle 6 of the *Privacy Act 1988*, which relates to the use and disclosure of personal information. The department does not provide information on specific applications or grants and does not publish the details of individuals who received legal financial assistance.

2. Australia has a longstanding opposition to the death penalty. This is consistent with Australia's international obligations under the Second Optional Protocol to the International Covenant on Civil and Political Rights. Australia proactively urges all countries that maintain capital punishment as part of their law to cease executions and establish a moratorium on the use of the death penalty, including through bilateral representations, the Universal Periodic Review (UPR) process, Human Rights Council and the UN General Assembly (UNGA).

The current *Australian Federal Police (AFP) National Guideline on International Police to Police Assistance in Death Penalty Situations* (the Guideline) reflects Australia's position on the death penalty. The Guideline requires consideration of a range of factors relevant to the decision-making process in death penalty matters and ensures a structured and transparent

process. The Guideline recognises the need for law enforcement cooperation in appropriate cases, while providing a robust and accountable system for safeguarding human rights.

The AFP consults with the Attorney-General's Department on changes to the Guideline. The current Guideline was developed in consultation with the Department through amendments in 2009, 2012 and 2014.