

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

**Program: 1.7**

**Question No. AE16/076**

**Senator Collins asked the following question at the hearing on 9 February 2016:**

Questions have been asked at previous Estimates about the consideration by various agencies of the potential for members of the Bali Nine facing the death penalty in Indonesia to be extradited to Australia to face prosecution in Australia instead. The Committee has been provided with some information on what inquiries were made or processed pursued by various agencies, including the Attorney-General's Department, the Australian Federal Police, and the Commonwealth DPP. To be clear, did the Attorney-General or the Justice Minister at any stage decide not to proceed any further with these inquiries or processes?

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

It is a matter for law enforcement and prosecution authorities to assess and determine the operational question of whether a person will be charged and prosecuted under Australian law. As previously noted in the response to SBE15/096 of October 2015, the AFP, following consultation with the CDPP in December 2005, did not seek an arrest warrant for members of the Bali Nine.

The then Attorney-General and the Minister for Justice and Customs were advised that extradition requires a request from Australian law enforcement authorities and a commitment from the prosecutors to prosecute. The AFP and the CDPP did not seek an arrest warrant in relation to the Bali Nine. Accordingly, no request for extradition or commitment was provided to either the Attorney-General or Minister for Justice and Customs in this case.