

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

**Group: 3**

**Program: 1.7**

**Question No. BE15/088**

**Senator Collins asked the following written question from the 27 and 28 May 2015 hearing:**

1. There were reports in the press in late 2005 that two Victorian barristers, Robert Richter QC and Brian Walters QC, were seeking a meeting with the DPP to discuss laying charges in Australia against the Bali Nine, with a view to extraditing the accused to face prosecution in Australia rather than Indonesia. Did the Attorney-General's Department at any stage consider the possibility of extraditing the Bali Nine to Australia?
2. Was the Attorney-General advised about this possibility?
3. What decision was made? By whom? Why? When? Was the Attorney-General aware of this?

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

1. Extradition is the formal process by which a country can apprehend and surrender a person to another country to face criminal prosecution or to serve a sentence of imprisonment.

In late 2005 AGD worked with agencies in relation to the policy on the possibility of extradition requests for persons charged with offences in foreign jurisdictions, including the Bali Nine.

- 2 & 3 The then Attorney-General was advised that extradition requires a request from Australian law enforcement authorities and a commitment from the prosecutors to prosecute.

It is a matter for law enforcement and prosecution authorities to determine the operational question of whether a person will be charged and prosecuted under Australian law.