

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
AUSTRALIAN FEDERAL POLICE

Question No. 142

Senator Stott Despoja asked the following question at the hearing on 17 February 2006:

Bali Nine

- a) Can you confirm that in a telephone call to Mr Lee Rush on April 8, 2006 at 1:30am, a member of the Australian Federal Police told Mr Rush that his son, Scott Rush, would be spoken to and asked not to board a flight to Bali?
- b) Does the AFP have a policy of prioritising the maintenance of operational integrity over acting to prevent the exposure of Australians to prosecution for offences in jurisdictions where the death penalty applies?
- c) Who made the decision not to intervene to prevent Scott Rush and possibly other members of the Bali 9 from leaving Australia?
- d) Why was a condition not placed on cooperation with the Indonesian police that no arrests and prosecutions in Indonesia would result in the application of the death penalty to Australian citizens?

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

- a) No member of the Australian Federal Police had a conversation with Mr Lee Rush on 8 April 2005.
- b) The AFP considers the exchange of intelligence with international law enforcement partners to be a core element of taking the fight against illicit drugs off shore. There is no policy in existence that causes the AFP to consider operational integrity a greater priority than the exposure of Australians to prosecution for the death penalty.
- c) The AFP had no legal authority that would allow a member to prevent Scott Rush from departing Australia.
- d) There is no legal requirement that necessitates the AFP obtaining an undertaking from an international law enforcement partner in pre-charge situation due to the citizenship or nationality of an individual. The AFP undertakes international cooperation in accordance with international treaties, conventions, legislation and agreements. The AFP undertakes such cooperation without fear or favour and no condition was placed on the provision of information to the Indonesian National Police as to do so would preclude the collaboration to combat transnational crimes including the trafficking of illicit narcotics, child sex tourism, people smuggling and terrorism.