

Friday, 3 February 2017

## 50 years since last execution in Australia: Call for Government to respond to key Parliamentary report

The Law Council has today called on the Federal Government to adopt the recommendations of a major Parliamentary report on the death penalty – that includes recommendations to strengthen AFP guidelines and implement a new strategy for the global abolition of the death penalty.

The appeal was made in a speech by President, Fiona McLeod SC, during the Law Council's [national death penalty symposium](#) in Melbourne – held on the 50<sup>th</sup> anniversary of the hanging of Ronald Ryan, the last person executed in Australia.

The Parliamentary report, [A world without the death penalty](#), recommends (No.2) that the: *AFP National Guideline on International Police-to-Police Assistance in Death Penalty Situations be amended to include a stronger focus on preventing exposure of all persons to the risk of the death penalty.*

This includes that the AFP seek assurances from foreign law enforcement that the death penalty will not be sought or applied if information is provided. Currently, no such guarantee exists.

Ms McLeod said that adopting the bi-partisan report could potentially save lives and would also be fairer to AFP officers.

“We know the current AFP national guideline raises a number of factors for the sharing of information before arrest – including risk of exposure to the death penalty,” Ms McLeod said.

“At the moment it is unclear how the guideline is applied, or how the various factors are weighted. It is left to an individual officer's judgment. This is particularly unfair to the AFP officer – who is forced to carry the heavy weight of responsibility on their own judgment and conscience.

“Without changes, the current system could possibly result in men and women being executed, whose lives might have been spared.”

The Parliamentary report also includes a recommendation to develop, fund and implement a whole-of-government Strategy for the Abolition of the Death Penalty – with a particular focus on countries in the Indo-Pacific and the USA. Fifty six countries still have the death penalty in law or practice.

“Such a strategy adds structure and ballast to Australia's abolitionist position.”

Ms McLeod said that the Federal Government has been an outstanding advocate against the death penalty in our region and throughout the world.

“We urge them to continue to take the lead and adopt the recommendations of the report, to ensure Australia has a consistent position in its international engagement.”

Today's national symposium, *Australia's Contribution to the Abolition of the Death Penalty*, has brought together leading jurists, domestic and foreign policy experts and political decision makers.

“The Law Council will continue to strongly and consistently argue that no person, anywhere in the world, should ever be subjected to the death penalty,” Ms McLeod said.

“This is irrespective of their nationality, personal characteristics, the nature of the crime of which they have been convicted, or the time and place of its alleged commission.

“The death penalty is a breach of the most fundamental human right: the right to life,” Ms McLeod said.

Since the abolition of the death penalty domestically, six Australians have been executed overseas.

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**Patrick Pantano: Public Affairs**

P 02 6246 3715

E [Patrick.Pantano@lawcouncil.asn.au](mailto:Patrick.Pantano@lawcouncil.asn.au)

**Anil Lambert: Media**

P 0416 426 722

E [anil@hortonadvisory.com.au](mailto:anil@hortonadvisory.com.au)