



Attorney-General

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25 SEP 2008

Our Ref:

Ms Rachel Walsh
President
Reprivee Australia
GPO Box 4296
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Dear Ms Walsh

DEATH PENALTY

Thank you for your letter to the Premier, the Hon John Brumby MP, dated 12 June 2008 regarding the death penalty. The Premier has asked that I respond on his behalf. I apologise for the delay in my response.

In your letter, you ask that Victoria throw light on the dangers of executing innocent people by establishing a permanent commission to inquire into potential wrongful execution of Victorians and to arrange pardons for any such Victorians. You say that such a commission would influence other countries and jurisdictions that continue to apply the death penalty.

I am aware of the significant role that Reprivee Australia plays in opposing the death penalty. I support your efforts to provide effective legal representation and humanitarian assistance to those facing the death penalty, to advocate against the death penalty and to raise awareness about human rights. I am especially impressed by your program of sending interns to represent impoverished people on death row in the United States of America.

The Victorian Government opposes the use of the death penalty in all circumstances. As Attorney-General, I have taken a strong role on the international stage to oppose the death penalty. You will be aware that I made representations to the Singaporean Government on behalf of Mr Van Nguyen, who was tragically executed in December 2005.

The petition for mercy system in Victoria provides a "last resort" avenue for persons who believe they have been wrongly convicted to challenge their conviction in certain circumstances. The Governor has the power to pardon a petitioner when acting on the advice of the Premier, as occurred in the petition for Mr Colin Campbell Ross. In addition, the Attorney-General may refer a matter to the Court of Appeal under s.584(a) of the *Crimes Act 1958*, to be heard and determined as in the case of an appeal.

These avenues provide a "safety net" for persons who have exhausted their appeal rights but who uncover "fresh" exculpatory evidence.

As such, I am satisfied that mechanisms exist to respond appropriately to situations where fresh evidence is uncovered that throws doubt upon the safety of a prisoner's conviction.

Thank you once again for raising these issues with the Government.

Yours sincerely

A handwritten signature in blue ink, appearing to read "Rob Hulls". The signature is written in a cursive style with a long, sweeping underline that extends downwards and to the right.

ROB HULLS MP
Attorney-General