



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



HOUSE OF REPRESENTATIVES

BILLS

**Social Security Amendment
(Supporting Australian Victims
of Terrorism Overseas) Bill 2011**

Second Reading

SPEECH

Tuesday, 19 June 2012

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

SPEECH

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Questioner
Speaker Hayes, Chris, MP

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Mr HAYES (Fowler) (20:43): I, too, rise to support the Social Security Amendment (Supporting Australian Victims of Terrorism Overseas) Bill 2011. The bill demonstrates the government's commitment to ensuring that Australian victims of terrorism overseas and their immediate families are entitled to the same amount of support as any victim of a terrorism act committed here on Australian soil. This bill makes the necessary amendments to the Social Security Act 1991 and the Social Security (Administration) Act 1999 to establish the Australian victim of terrorism overseas payment, and outlines the necessary circumstances under which individuals and their families are entitled to Commonwealth support. In order to be eligible for financial assistance of up to \$75,000 in the aftermath of such a tragic incident overseas, the incident would need to be pronounced as a terrorist attack by the Prime Minister of the day, and the victim would need to satisfy specific criteria regarding physical or psychological effects.

Currently, victims of domestic terrorism could be compensated here in Australia through state and territory criminal justice measures compensation schemes. Presently in Australia every state and territory has victims of crime provisions which include terrorism—because, as you are aware, terrorism is included as a crime—and are eligible for lump sum payments under the criminal justice regimes operating in those states and territories. This bill will ensure that there is an adequate compensation scheme available for Australian victims of terrorist acts where they occur overseas. It is also applicable to their immediate families.

Over the years Australians, together with the rest of the world, have been touched by the threat and indeed the reality of the evil of terrorism. Clearly, when the September 11 attack occurred in the United States, it very much changed the world. The modern world has become far more aware of its own vulnerability and the high prospect of terrorism that lies ahead. It is something that moves all our security agencies to protect our communities against the ravages of such evil events.

Recent terrorist attacks, including that on the World Trade Centre on 11 September 2001, the Bali bombing and the tragic incidents on the London subway, in Madrid, in Mumbai and in many other cities around the world have shown that the grief and suffering go in no way only to the immediate human loss of life. We have seen—and the shadow minister mentioned in a very moving way—the effect that these terrorist events have had on the immediate families back here at home. These devastating effects are left in place for years and years to come.

Despite not having experienced a terrorist attack on Australian soil, Australians have been directly affected by a number of overseas attacks. In fact since September 11 more than 300 Australians have been killed or seriously injured in terrorist incidents overseas. In the past decades Australians have been killed or injured in terrorist attacks in New York, Washington, Bali, London, Jakarta and Mumbai. It is our duty as a nation to protect our citizens from the threat of terrorism and provide assistance to the victims. In this we take that duty very seriously. Ensuring the threat of terrorism does not penetrate our national borders—antiterrorism—is a national priority.

In this I compliment the efforts and commitment of the Australian Federal Police. I know the minister responsible for the AFP, the member for Blaxland, is in fact at the table at the moment. The Australian Federal Police is doing a fantastic job in all quarters of the globe but particularly in our region and in working very closely with our allies in counterpart jurisdictions. I would like to mention its Indonesian counterparts on counterterrorism measures. The AFP, for instance, through the government, established the Jakarta Centre for Law Enforcement Cooperation and provides vital assistance in the aftermath of the Bali bombing in 2002 and other terrorist attacks that followed in Indonesia. I have had the honour of visiting that centre and seeing firsthand the absolutely tremendous work that is being done by the Australian Federal Police in assisting police of the Indonesian policing jurisdictions. We should be very proud of the work the AFP are doing in that part of the world. They are not only protecting Australian citizens but also assisting the development of professional policing skills in our neighbouring police jurisdictions. As I say, the consequence of their actions is not just about protecting Australian citizens; they are providing a vital and integral part of policing development throughout our region.

The Bali bombing was particularly devastating for Australians. It is the closest we have come to being directly attacked in recent years. Bali was one of the most popular tourist destinations for Australians for decades. For years Australians have been probably the main driver of tourism in the Bali island. Retail and hospitality industries all flourished off Australian tourism to Bali. The Aussies were attracted by the surf and night-life there. But it is certainly an area—and having been to Bali, I know this—that is very spiritual, peaceful and tranquil, which is also an attraction for many.

In October we will commemorate the 10th anniversary of the tragic incident that brought many Australians for the very first time face to face with terror. The attack by the militants of Jemaah Islamiah, a network linked with al-Qaeda, claimed the lives of 202 people from 22 different countries. Eighty-eight of those victims were our fellow Australian citizens. A further 209 people were injured during those attacks. The Bali bombing was one of the most horrific acts of terrorism, and obviously very close to our shore. It was an act that some would refer to as Australia's September 11. That is not only because a large number of Australians were attacked and killed on that night; it is really because Australians were the target of that terrorist attack. All terrorist activities are tragic but the tragedy goes beyond the number of lives lost. I think we have all been touched in some way by the effect on the immediate families and close friends of the horrific act of the Bali bombings. Personally, I will always remember the words of Brian Deegan, a lawyer and former magistrate from Adelaide who tragically lost his son, Josh, in the Bali bombing. I had a lot to do with Brian when I was involved with the Bali 9—a number of Australian citizens who, through activities in drug trafficking, were sentenced to death and were on death row in Kerobokan Prison.

Over that period, Brian expressed to me his immeasurable grief over the loss of his son who was only 22 years old at the time. He actually reduced this to an essay and published it as *Remembering Joshua*. I was very moved by Brian's words of grief, but in my discussions with him I was particularly touched by his conviction not to seek revenge on the men responsible for his son's death. He was, and remains, against capital punishment. I certainly saw firsthand the impact that the loss of his son had on his life.

The Bali bombing is something that this country will never forget. The Howard government needs to be complimented on the way they handled the aftermath of the tragedy, providing vital assistance to the victims and their families affected by that tragedy. The 88 Australians who tragically lost their lives on that dreadful night died because they were Australian. It was an attack on the freedom and democracy that our nation stands for.

Terrorism is a crime directed not at individuals but at the state, even though individuals are the immediate means of harming the state. Nevertheless, there are direct victims. Therefore in that context, the burden of the attack should not be borne just by the victims. They have suffered enough. It is the duty of a federal government on behalf of the Australian people to provide the necessary support to those affected. The federal government has assisted Australian victims of terrorism in the past, providing them with medical and evacuation support, consular assistance and assistance with funeral costs and other expenses on an ex gratia basis. As I understand it, the value of that assistance to date exceeds \$12 million.

There is, however, more that can be done to ease the suffering and to provide support to Australian victims. The financial payment of up to \$75,000 is an acknowledgement that injuries sustained in terrorist attacks are often grave and have lasting physical or mental effects on individuals. The financial assistance for the families is an acknowledgement of the tremendous effect the death of a loved one during a terrorist attack has on the immediate family.

Looking after the families of the victims of terrorism is also our responsibility and as such it is right that we provide the necessary assistance to families during what must be the most difficult time in their lives. Ex gratia payments to the victims of terrorism and assistance with funeral costs, travel and lost wages occurring as a result of the terrorist act are some of the basic forms of assistance and the least we, as a nation, can do to support families.

Support for the substance of the bill is bipartisan. In fact it builds on the points expressed in the Leader of the Opposition's private member's bill from last year—I remember speaking on that bill as well—including ensuring that victims of terrorism are not required to repay Medicare, workers compensation or any other benefits received from the Commonwealth.

The bill is also consistent with current victims of crime compensation schemes around the country. The payment will also be exempt from taxation. Despite our efforts to ensure the safety and security of all Australians at home and abroad, the ongoing threat of terrorism remains real. Australians should be assured that the Australian

government is doing all it can to minimise the threat of terrorism and protect freedom and our way of life. It is what we do because we are Australian.