



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

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## SPEECH

**Date** Tuesday, 19 June 2012  
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**Questioner**  
**Speaker** Neumann, Shayne, MP

**Source** House  
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**Mr NEUMANN** (Blair) (21:08): I speak in support of the Social Security Amendment (Supporting Australian Victims of Terrorism Overseas) Bill 2011. In one of the letters in the *New Testament* from St Paul of Tarsus, he admonishes some believers in one of the group of churches he established by saying that when he was a child, he thought like a child and when he was a man, he thought like a man. What he meant was that when he was a child he had infantile beliefs and ideas but as he became a man he put away those, grew up and realised about responsibility, cooperation, love, affection and resolving issues without disputation, conflict and warfare. When we are children and things do not go our way, as toddlers, we lash out. It is juvenile, but that is what we do. We pull something away from our brother or sister. But we realise as we grow older that we resolve disputes cooperatively in a democratic, compassionate and understanding way. Our parents teach us that, our teachers teach us that and our friends teach us that.

Most Western countries resolve those things in that way. But, lest we in the West pat ourselves on the back, the Great War from 1914 to 1919, the worst war in the history of humanity, was started by an act of terrorism. It was a war in which most of the Western powers engaged themselves, and we did as well. One wonders how that war started. It was an act of terrorism by a Serbian national who wanted to attack and get rid of the Austro-Hungarian empire, and killing a member of that royal family was how it happened. Many wars are started by acts of terrorism. In the West we cannot understand it, because we believe in concepts like liberal democracy and resolving our disputes. No matter what rancour and disputation we see across the chamber, no-one picks up guns, bombs or knives and starts slashing one another. When governments are defeated in elections, the Prime Minister and the cabinet resign and leave, and a new government comes in.

In the last 40 years in this country we have had 20 years of conservative rule and 20 years of Labor rule. Australians are used to changes of government. We accept the outcomes of elections. We accept that people can live their lives the way they want to. We find it hard to understand the fundamentalism and extremism of religions, of belief systems, that would result in the despair and the destruction of terrorism. But we know, from the last 10 years or so, about 300 Australians have died as victims of terrorism. They have died in the United States, they have died in Indonesia, they have died in the UK and they have died in India. They have died needlessly and unnecessarily. We find in our community of Australia, in our very civilised country where people resolve their disputes, that we are not without fault. There are criminal acts committed every day, sadly, across the country, but people generally can resolve their disputes in courts, in mediation, in arbitration and in a civilised and dignified way. It is indeed the case that, even when we go to court, 95 per cent of those cases are resolved without going to a final hearing. So we find it hard to accept what we see, and we struggle and strain about it.

This legislation is important. It is important to provide financial assistance. As a politician I have had the benefit of being in Jakarta and talking to the Australian Federal Police about terrorism in Indonesia and what happened in Bali, and talking with Indonesian police as well. I visited the Middle East and saw the hostility and enmity between Jew and Arab, and the viciousness with which their beliefs are held. We are very blessed in this country, but you can see Australians all throughout Asia, the Middle East, Europe and the United States, because Australians travel. You can see them in lifts in Tel Aviv. You can see them in markets in Jakarta. You can see them in shopping centres in Singapore. And whenever they travel they are at risk of terrorism. Fortunately in this country we have been blessed by not having those acts of terrorism that we have witnessed overseas amongst our friends in the UK, the US, Indonesia and India.

The purpose of this legislation is to provide financial assistance to those Australians who have been injured or who have had close family members killed overseas as a result of these wanton acts of unnecessary violence we call terrorism. This bill was introduced a while ago and there are amendments. There are important amendments to our law and they provide a system of payment which we are familiar with in this country—that is, through the victims of crime type of legislation and compensation. This is very much based on the WorkCover type of legislation. We will take into consideration the nature, duration and impact of the injury or disease, the future loss of earnings, the kinds of special injury or damage that people suffer and the circumstances in which that

injury occurred or that disease was picked up. So we are aware of those things. We also took into consideration in putting together this bill the nature of the relationships between the primary and secondary victims, and I will talk about them shortly.

There are important provisions in this bill to enhance people's financial capacity to get on with their lives. For example, the payment—which goes up to \$75,000—will be exempt from GST. There are provisions in the bill to exempt from the Income Tax Assessment Act the moneys paid in assistance as well as other kinds of payments which are regularly brought back to the Commonwealth or to an insurance company under existing legislation.

In the past there were *ex gratia* payments and, though they were paid, they were paid in a way that was inconsistent, and they were paid to past victims to assist them. The payments were complex and spontaneous. They were not always made with a sound basis, and they were not consistent with victims of crime or WorkCover types of compensation. So we are putting in place with this bill some legal rigour and a consistency of policy and assistance which is commensurate with the injuries suffered. Such concepts are familiar to lawyers and to many Australians around the country who are involved in workers compensation or victims of crime situations. It is hard: we will never be able to compensate Australians for the grief, the suffering, the agony and the loss that they go through, and my heart goes out to them. Many Australians will remember where they were when they saw what happened in Bali or on 9/11. We are also establishing through this bill some eligibility criteria, and we are making sure that Medicare payments do not have to be refunded.

In the minutes I have remaining, I turn to the matter of who is going to get the compensation. As I said, the compensation is paid up to a maximum of \$75,000, though nothing will compensate people in real terms for what they go through. The legislation makes plain in section 1061PAA the qualifications for an Australian victim of terrorism overseas payment. The person has to be a primary or secondary victim of a declared overseas terrorist act. The person or the person's close family members must not have been involved in the commission of the terrorist act—in other words, they must not have been involved in aiding, abetting, counselling or procuring in connection with the terrorist act or involved in it in any other way, including the conspiracy. The person has to have been an Australian resident or a person resident in Australia on the day that the terrorist act occurred. There is a legal basis to determine whether a person is a resident of Australia—they have to be an Australian citizen or an Australian resident. Both categories are covered by the definition. A person is defined as a primary victim if they were in the place where the terrorist act occurred and were harmed, within the meaning of the Criminal Code, as a direct result of the terrorist act. The definition is pretty clear: the person had to be injured in a bomb explosion where they lost an arm or a leg or received lacerations or another injury.

The eligibility for compensation of secondary victims is important because it is not just the person who is injured but also their close relatives who are often victims. Because they survive, it is the close relatives of the injured person who feel the pain. The definition says that a person is a secondary victim of a declared overseas terrorist act if they are a close member of the primary victim's family, and the primary victim must have been in the place where the terrorist act occurred and have died as a direct result of the terrorist act before the end of two years from the date that the terrorist act occurred.

Close family members are defined—and I applaud the government for this definition—as the person's partner, the person's child, the person's parent, the person's sibling or the person's legal guardian. It is important to extend eligibility for compensation to make sure that the family of the person who died is given assistance. There are often expenses associated with a person's dying. Any person who has been involved in civil litigation involving the loss of a person in, say, a car accident or an accident at work knows that this is the case. The damages specified in the bill make some reference to the Veterans' Entitlements Act. As I explained, there is also a definition of what it means to be involved in the commission of a declared overseas terrorist act.

This bill is important. It is a just bill. It brings some legal rigour and some consistency of policy and administration to the subject. It is important that we provide the assistance specified by the bill, and it surprises me that Australian governments of both political persuasions did not think about introducing a bill such as this a long time ago. I am pleased to support this bill, whose provisions for assistance will—I hope—never have to be called on by any Australian family suffering as so many Australian families have suffered in the past.