



## **Private Members Bill**

### **Assisting the Victims of International Terrorism Bill 2009**

#### **Main Committee**

23 November 2009

Sharon Grierson MP

**Ms Grierson:** (Newcastle) (7:47 PM) — I rise to speak on the private members' bill Assisting the Victims of International Terrorism Bill 2009. This bill is opposed by the government in its current form. However, as the Prime Minister said today in question time, we are prepared to consult around finding better ways to support the ongoing needs of those who sustain physical and psychological harm as a result of catastrophic incidents such as terrorism. We are prepared to do that in a thorough and proper way.

Tonight the Prime Minister has announced that the government will engage the Productivity Commission to examine the feasibility of a national long-term care and support scheme, a scheme that would address this issue of improving the support to those of special need, no matter how the injury or harm is sustained. In his speech he also made special mention of the victims of terrorism, including Paul Anicich and Tony Purkiss, who were here today. It is a very welcome acknowledgement of his recognition of their circumstances. Improving the system for all Australians remains the government's focus. However, as the member for Newcastle and the public representative of the families and individuals affected by the 2005 Bali bombings, I have particular sympathy for them as, I know, do the mover of the bill and also the seconder, the member for Paterson.

I put on the record my acceptance that the member for Warringah brings forward this legislation in good faith and out of genuine concern for the victims that he has come to know well. When he found himself on site during the 2005 Bali bombings, he provided enormous direct support to the Newcastle victims, working closely with Novocastrian Dr Adam Frost, who was also in attendance that night, to gain the most appropriate medical assistance and arrange the rapid evacuation to other medical facilities and back to Australia. I note that Dr Frost's actions were appropriately recognised through the Australian honours list in 2007, when he was awarded the Order of Australia Medal for 'service to the community through the provision of medical aid to victims of the 2005 Bali bombings. I have no doubt that the actions of Tony Abbott and Adam Frost saved some victims from prolonged

suffering, disability or even the loss of their life. Like the victims and their families, I will be forever grateful for their actions on that night.

I also put on the record my appreciation of the resolute efforts of Paul Anicich to raise the ongoing complications physical, mental and material faced by his fellow victims and their families. As I have said, Paul was in the chamber today, as was Tony Purkiss, who lost his sight in the 2005 bombings. I acknowledge both their presence and the way in which they exemplify the ongoing mutual concern and support that exists amongst the Newcastle victims of the bombings.

The bill before the House today applies to:

... Australians who are killed or injured as a result of international terrorist acts by establishing a framework to facilitate the provision of financial assistance for persons who suffer injury as a consequence or their next of kin.

Within the bill, 'Priorities for assistance' designates:

... a person who suffered injury requiring hospitalisation as a result of an international terrorist act or to the next of kin of a person who suffered death as a result of such an act.

The bill also provides for the development of eligibility and implementation guidelines by the Attorney-General, after extensive consultation, for the provision of a compensation payment which must not exceed \$75,000. In rejecting this bill on this occasion, it is important to understand that this is a bill with insufficient detail or specifics regarding the key issues of eligibility criteria, payment thresholds or administration of this payment over the long term.

As mentioned previously, the Rudd government is intent on providing rigorous attention to the needs of Australians who suffer disabilities and injuries of all kinds and from all circumstances so that the process eventually adopted is the right one and is informed by those who themselves suffer, by their carers, and by the medical and social sectors that provide services to those affected. As noted by the Prime Minister tonight, the process we have begun takes note of the special needs of the victims of international terrorism. The study will consider coverage of entitlements and implications for health services.

I have endeavoured over these years to keep our ministers informed of special issues that have arisen, and I thank the Minister for Families, Housing, Community Services and Indigenous Affairs, Jenny Macklin, who met with Mr Paul Anicich at the community cabinet in Newcastle late last year. An issue raised at that time was the need for some type of identification and medical record that would save victims from having to repeatedly explain and revisit the reason for their condition to various medical and support personnel. It is pleasing that the government is currently also in negotiation with the states regarding the development of a national individual electronic health record for all Australians, something I am sure could assist the victims of terrorism who have ongoing needs and certainly do not want to revisit the trauma in these ways.

In response to another issue raised with me, the Minister for Health and Ageing, Nicola Roxon, and the Minister for Human Services and minister responsible for Centrelink, Chris Bowen, are currently considering ways to improve the processing of medical claims made by victims of terrorism who come under the special assistance schemes such as the scheme set up for those who sustained injuries during Bali 2005. However, that a special unit is already dedicated to these people and does have the experience and training to deliver this service promptly and effectively means that anything we do must be considered carefully and any change we make must enhance, not detract, from the system. That scheme, of course, covers the survivors, immediate family members of Australian survivors, and deceased Australians and eligible foreign nationals.

I stress that the Newcastle victims involved in the 2005 Bali bombings have been very appreciative of the assistance that they received from government at the time of the bombings—the previous government—and the support they have received since. I understand that they advocate strongly for system improvements that will benefit not just themselves but all of those who have been affected by acts of international terrorism, perhaps the most heinous of crimes against a nation and its people. At the time of the 2005 Bali incident FaHCSIA implemented an ex gratia assistance package for the victims and their families. This has been the case for victims of international terrorist attacks in Bali in 2005, London in 2005, Egypt and Lebanon in 2006, Mumbai in 2008 and Jakarta in 2009.

That package, of course, is an extensive one, and it is devised in response to each specific circumstance. I think that flexibility is something we have all appreciated. At the personal level, though, I wish to repeat my appreciation and that of the 2005 Bali victims for the way in which so many agency and department personnel provided more than just functionary support at the time. Their compassion and considered support went beyond their responsibility and made the ordeal so much more bearable, as did the generous compassion and support extended by the people of Newcastle.

The bill itself proposes monetary compensation based on state government victims of crime legislation which arises from the statutory responsibilities of the state. However, in the federal arena I know of no precedent for compensation payments such as those proposed in this bill. From my research it appears to me that the only compensation payments made to any collective group of victims has been to prisoners of war incarcerated in the Pacific and European theatres of war during World War II. The payments were amounts of \$25,000, and I think we need to pay respect to precedents so that we follow the principles and extend them only when we know it is the right thing to do.

However, I do think there is a need for some consideration for a mechanism that takes into account emerging individual circumstances that may not have been anticipated at the time of the specific event that triggered the special assistance package. Tonight, of course, the Prime Minister has delivered the mechanism for that consideration to occur. Again, I thank the Prime Minister for his willingness to take a further look at issues around improving the support to those with ongoing

needs as a result of international terrorist attacks, and I welcome his commitment tonight to conduct a rigorous study into a no-fault social insurance scheme as well as other options for long-term care and support building on international best practice. I also note that that when the Prime Minister was shadow minister he met with some of the victims of the incident in Bali in 2005 in my office and provided them with support and guidance.

While my government does not support this particular bill in its current form, we do remain indelibly committed to providing support for Australians who are victims of international terrorist acts. The Prime Minister demonstrated this not an hour ago with his announcement of a feasibility study into a national disability insurance scheme. As I have mentioned, we are looking at a number of other ways to provide greater assistance to those in need. A bill of this nature is simply unprecedented at a federal level and something that obviously needs further careful consultation and consideration.

The horror that was experienced at Jimbaran Bay and Kuta Beach on the evening of 1 October 2005 was indescribable; the pain and suffering that was caused is indefensible and that the victims of the blast deserve the utmost care is inarguable. I and my government will continue to work to make sure that those affected continue to receive just and appropriate assistance in an efficient and effective way, and in a way that the government can deliver. But tonight I must oppose this bill.