



## **Assisting the Victims of Overseas Terrorism Bill 2010**

### **Chamber of the House of Representatives**

**28 February 2011**

**Sharon Grierson MP**

Ms GRIERSON (Newcastle) (9.05 pm)—I rise to speak on the Private Members' Bill, the Assisting the Victims of Overseas Terrorism Bill 2010. As was the case when this Bill was last presented, in late 2009, the Government cannot support it in its current form and neither can I.

Compensation for victims of overseas terrorist attacks is a serious issue deserving of careful and detailed consideration.

But, in deciding whether to support this bill, there is a simple question before all members: does this bill advance or improve the situation of victims of terrorist acts? The simple answer is that, in its current form, this is not guaranteed.

But before I set out in detail the ground on which the Government and I intend to oppose this Bill, I wish to underscore the importance of this debate for the people of Newcastle. I too acknowledge my constituent Paul Anicich and the work he has done to pursue this issue. I applaud his motivation and sincere concern for his fellow victims.

The Member for Paterson mentioned an email exchange. I would like to clarify that at the time I was of the belief that the Leader of the Opposition, Tony Abbott, was putting up a Private Member's Motion, something that everyone could have supported and could then have been taken from there.

But I was wrong at the time; it was a Private Member's Bill. I clarified that misunderstanding with Mr Anicich at the time.

The Bali bombings of October 2005 carry particular significance for my electorate. Three Novocastrians— Colin Zwolinski, Fiona Zwolinski and Jennifer Williamson—tragically lost their lives. Other Novocastrians also suffered terrible injuries as a result of that malicious and unprovoked attack and many more were traumatised by the events.

I have put on the record before, and will do so again, the gratitude I hold on behalf of the people of Newcastle to the member for Warringah, the Leader of the

Opposition, for his assistance to victims of the 2005 terrorist attacks in Bali from my electorate.

In particular, Mr Abbott worked closely with Novocastrian Dr Adam Frost, who was also in Bali that night, to secure the most appropriate medical assistance and arrange rapid evacuation to other medical facilities or back to Australia. Dr Frost was recognised in 2007 when he was awarded the Medal of the Order of Australia for 'service to the community' for his actions providing medical aid to victims on that most terrible of nights. My constituents and I remain deeply grateful for both these gentlemen's actions on that night, so it would be remiss of me not to acknowledge their efforts.

There will be a number of points of policy, though, on which members from both sides of the House will disagree today. But one principle that I believe unites all members is our common concern to provide whatever support is available and appropriate to Australian victims of terrorist attacks.

Despite this common concern, however, the Government cannot support this Bill in its present form, and that is because this Bill will do little to nothing to support the Australian victims of overseas terrorist attacks. It is disturbingly light on details and leaves crucial questions unanswered.

It fails to set out by what mechanism, by what criteria and in what form compensation should be paid. Will it cover funeral costs? Will it cover the cost of counselling for those psychologically scarred by terrorist attacks? Will it cover the cost of an individual or family evacuation back to Australia? Will it compensate their loss of income?

These are vital questions that deserve careful consideration. This Bill, however, is silent on all those issues. Indeed, the actual concrete measures to be put in place under this Bill are few and far between.

Clauses 5(1) and (2) of the Bill call on the Attorney- General to 'determine guidelines' on eligibility requirements for the 'disbursement of financial assistance', yet there is no reference to what the content of these guidelines should be, nor how they will be implemented.

Clause 10(b) of the Bill provides that no compensation payout should exceed \$75,000. And clause 11(c) also provides that 'procedures and practices' established under the Bill should be 'broadly commensurate with the procedures and practices established under state victims of crime compensation cases', which, of course, vary from State to State.

And that is the sum total of substance in this Bill. Put frankly, this Bill in its current form is plainly untenable and unworkable. No responsible Government could support a Bill that is so devoid of detail, short on content and leaves such important questions unaddressed.

But, most importantly of all, this Bill would not improve the situation of victims of terrorism one little bit.

The more cynical would be entitled to ask why the Leader of the Opposition has elected to move this motion now, rather than while he occupied a position in Cabinet, up until 2007 when the terrorist attacks occurred.

They might also ask: if a scheme along the lines proposed by Mr Abbott is good enough today, why wasn't it good enough in 2002, 2003, 2004, 2005, 2006 or 2007 when he had the resources of Government to frame legislation? But I make no comment on the motives of the Leader of the Opposition. I accept his genuine concern but not his drafting attempt at this legislation.

Federal Governments of both persuasions, Labor and Coalition, have always provided generous support to past victims of terrorism, as they should. The Federal Government has provided ex gratia payments to a number of victims of recent attacks which provided financial assistance for family support, funeral and bereavement costs and travel costs and recognised forgone wages resulting from the terrorist act.

When this issue was last debated, in 2009, then Prime Minister Rudd urged any Australian victims of terrorism to bring forward any requests for further assistance they required. I then wrote to my affected constituents urging them to take up the offer. Two of my constituents chose to do that directly through me and we sought various forms of assistance from the Federal Government. Following that intervention, all their concerns were considered and some resolved to both parties' satisfaction.

I reiterate this offer to my constituents and encourage any Australian victims of terrorist attacks to raise with their elected member, and in the case of my constituents to raise with me, any further assistance they require.

What is more, as Mr Abbott and those on the opposite benches know full well, the Government is already moving ahead with the long and difficult work of putting together a comprehensive and workable scheme for victims of terrorism. The Federal Labor Government is determined to ensure that arrangements for supporting victims of terrorism are more effective than those in place under previous governments, including the Howard Government.

What the victims from my electorate deserve is a single, comprehensive and properly considered package of support, one that would ensure they receive all the help they need and deserve. The Federal Labor Government is determined to deliver just that—not just a well-intentioned thought bubble, like this Private Member's Bill before us today, but a workable package to support those whose lives have been scarred permanently by terrorism.

As the Opposition knows full well, the Attorney-General is currently doing those hard yards to pull together such a package, which we anticipate will bring together

consular support, assistance with funeral arrangements, support from health professionals and financial assistance for other needs. Indeed, the release today of the Productivity Commission's report on disability care and support also provides a number of important pointers to what the shape of any single and comprehensive compensation scheme should look like and includes a section covering catastrophic events. The Opposition's support for these efforts would be very much welcomed.

In introducing this Bill, the Leader of the Opposition rightly noted that victims of terrorism need more than just mere concern. I would again applaud both Governments for the direct and ongoing support they have given to every victim of terrorism, which members tonight have mentioned. No member of the House could disagree with this. But victims also need more than just the tokenistic framework offered in this bill.

I was pleased to hear the Leader of the Opposition say he has had discussions with the Attorney-General. It has always been my view that a Private Member's Motion which would have had absolute bipartisan support could have been the initial stepping stone for developing legislation which would also have had bipartisan support.

Our affected constituents deserve a very well thought through and comprehensive compensation package that will provide them with relevant material support in their hours of greatest need. It is my intention to continue to make sure the Federal Government will deliver this. Unfortunately, the Private Member's Bill we are debating tonight does not.