

~~PROTECTED Sensitive~~Ref: B15/2142
Routine/Low Complexity

DEPARTMENT OF THE PRIME MINISTER AND CABINET

PM&C
Secretary
Ms Cross
Mr Sloan
Ms Yeend
Ms
Goldsworthy
Mr Castellino
Mr Noble

To: Prime Minister (for decision by 29 October 2015)

EVENTS ELIGIBLE FOR THE AUSTRALIAN VICTIMS OF TERRORISM
OVERSEAS PAYMENT (AVTOP)PMO
Mr Clarke

s 22(1)(b)(ii)

File

Recommendation - that you:

1. sign the letter at Attachment A seeking advice from the Attorney-General regarding the declaration of events as terrorist incidents for the purpose of the AVTOP scheme.

s 22(1)(b)(ii)

Signed / Not Signed

MALCOLM TURNBULL

Date: 2.11.15

Comments:

Key Points:

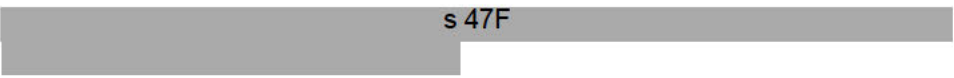
1. The Minister for Foreign Affairs, the Hon Julie Bishop MP, s 47F
(Attachment B).
2. The Government has also received requests from a number of individuals for other past incidents to be declared terrorist events for AVTOP purposes.
3. We recommend you seek advice from the Attorney-General as to whether or not any past events also merit your consideration for declaration in order to respond to Ms Bishop and any further requests.
 - a. Although the Attorney-General provides advice, it is your final decision on what is considered a declared terrorist act.
4. s 22(1)(b)(ii)

Background:

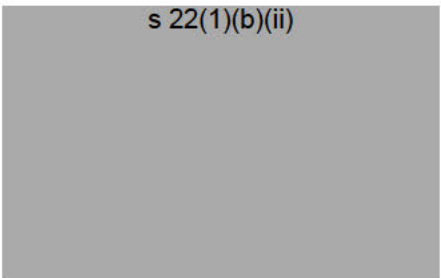
5. AVTOP was introduced in 2011 to address an anomaly whereby victims of terrorist events in Australia would be paid by State and Territory compensation schemes but victims of overseas terrorist events would not. The AVTOP was designed to mirror these schemes and match the maximum amount available under them (\$75,000).

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- a. In 2013, former Prime Minister Abbott agreed to make these payments available retrospectively to all Australians who had been the victims of declared major terrorist events overseas.
6. The *Social Security Act 1991* provides that the Prime Minister may, by legislative instrument, declare that a terrorist act that occurs outside Australia is a declared overseas terrorist act.
7. The Criminal Code provides a 'terrorist act' occurs if an action or threat of action:
 - a. causes serious physical harm to a person or serious damage to property, endangers a person's life, creates a serious risk to public health or safety or seriously interferes with an electronic system; and
 - b. has the intention of advancing a political, religious or ideological cause, with the intention of intimidating the government of the Commonwealth or a State, Territory or foreign country, or the public or a section of the public.
8. The Attorney-General has already assessed events between 2001 and 2013 and provided advice on whether these meet the criteria for a declared terrorist event.
 - a. The scheme currently covers nine events (United States 2001, Bali 2002, Jakarta 2004, London 2005, Bali 2005, Egypt 2006, Mumbai 2008, Jakarta 2009 and Nairobi 2013).
 - b.  s 47F
9. The Attorney-General's Department has policy responsibility for AVTOP but administration of AVTOP has been delegated to the Department of Human Services.

s 22(1)(b)(ii)



Julie Yeend
Assistant Secretary
Social Services and Immigration Branch
15 October 2015

Policy Officer: s 22(1)(b)(ii)
Phone no: s 22(1)(b)(ii)
Consultation: AGD, OCTC, Fiscal

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~~PROTECTED Sensitive~~

ATTACHMENTS

ATTACHMENT A DRAFT RESPONSE

ATTACHMENT B INCOMING CORRESPONDENCE

~~PROTECTED Sensitive~~



PRIME MINISTER

Reference: B15/2142

3 NOV 2015

Senator the Hon George Brandis QC
Attorney-General
Parliament House
CANBERRA ACT 2600

George
Dear Attorney-General

I write to seek your advice on declaring overseas terrorist acts for the purpose of the Australian Victims of Terrorism Overseas Payment (AVTOP) scheme. AVTOP has benefitted hundreds of families since the scheme was introduced, recognising that victims have suffered because of attacks driven not by personal grievances, but by politics and ideology.

As you know, there have been nine declared terrorist events to date. I am aware that individuals have requested further incidents be included under the scheme. I would welcome your advice on whether there are any events not already declared terrorist incidents that should be considered for inclusion. I value your advice on whether further retrospective declarations are warranted to achieve the policy objectives of this scheme.

I also ask that your Department work with mine to develop separate advice on how the criteria for declaring events could be improved to best capture the intent of the scheme.

Please write to me with an evaluation of any potential events for my consideration by the end of November 2015.

Yours sincerely

s 22(1)(b)(ii)

MALCOLM TURNBULL

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DEPARTMENT OF THE PRIME MINISTER AND CABINET

PM&C
Secretary
Ms Connick
Mr Hazlehurst
Ms McDevitt
Mr Fox
Mr Sadleir
Ms Wood
Ms Davidson
Ms Clarke
Mr Castellino
Mr Smalley
Ms Yeend
Dr Strahan
Mr Angus
Ms Matthews
Mr Casey
Ms Chatham
Ms Johnston
Ms Baldwin

To: Prime Minister (for consideration by 25 July 2014)

THE OPERATION OF THE AUSTRALIAN VICTIM OF TERRORISM OVERSEAS PAYMENT SCHEME

Recommendation(s) - that you:

1. Note how the Australian Victim of Terrorism Overseas Payment (AVTOP) scheme operates.

Noted

TONY ABBOTT

Date:

Comments:

Key Points:

1. Your adviser requested that we brief you on how the AVTOP scheme operates.
2. AVTOP is a one-off payment of up to \$75,000 to provide assistance for Australians affected by acts of terrorism overseas. The eligibility criteria require that:
 - a. the Prime Minister has determined that the event is a 'declared overseas terrorist act';
 - b. the individual was an Australian resident on the day the declared overseas terrorist act occurred;
 - c. the individual, or a close family member who died as a direct result of the declared terrorist act, was in the place where the declared overseas terrorist act occurred;
 - d. the individual, or the close family members were not involved in the commission of the declared overseas terrorist act; and
 - e. the individual was harmed as a direct result of the declared overseas terrorist act, or
 - f. the individual is a close family member of a person who died as a direct result of a declared overseas terrorist act.
3. The event must meet the definition of a "terrorist act" in the *Criminal Code Act 1995*. The definition requires that:
 - a. The action is done or the threat is made with the intention of advancing a political, religious or ideological cause; and
 - b. The action is done or the threat is made with the intention of:

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PMO
Chief of Staff
s 22(1)(b)(ii)

File

- i. coercing, or influencing by intimidation [a government]; or
 - ii. intimidating the public or a section of the public.
4. If an incident meets the definition of a terrorist act, the Prime Minister has discretion as to whether to 'declare' the incident under the scheme.
 - a. If the incident does not meet the definition, other government support could be considered, including the Australian Government Disaster Recovery Payment.
5. A close family member of a person who was where the terrorist act occurred, who was harmed as a direct result and who died within 2 years of the date of the terrorist act (a secondary victim) must make a claim within 12 months of the death of the person.
 - a. A close family member is a partner (including same sex), child, parent, sibling or legal guardian.
 - b. If there is more than one secondary victim the total paid to all the secondary victims and the primary victim will not exceed \$75,000. Consistent with succession laws, partners will generally have priority over parents and other family members.
6. The amount of AVTOP payable to a secondary victim will depend on:
 - a. if other people have qualified as a secondary victim in relation to the deceased person;
 - b. the nature of the relationship between the secondary victim and the deceased person;
 - c. if, and to what extent, the deceased person contributed to their death; and
 - d. if, and to what extent, the victim received financial assistance from a foreign country for the deceased person's death.

7. s 22(1)(b)(ii)

Background

8. The AVTOP scheme was activated for the first time on 21 October 2013.
9. Currently the scheme applies to the following nine terrorist incidents: 2001 US September 11 attacks; 2002 Bali bombings; 2004 bombing at the Australian Embassy, Jakarta; 2005 Bali bombings; 2005 London bombings; 2006 Egypt bombings; 2008 Mumbai attacks; 2009 Jakarta hotel bombings; and the 2013 Nairobi, Kenya armed assault.
10. AGD has policy responsibility for AVTOP but administration of AVTOP has been delegated to the Department of Human Services.

s 22(1)(b)(ii)

Julie Matthews
A/g Assistant Secretary
Social Services Branch

18 July 2014

Policy Officer s 22(1)(b)(ii)
Phone no: s 22(1)(b)(ii)
Consultation: NSIP, Fiscal, AGD.

~~PROTECTED~~Ref: B13/J907
Urgent/Low Complexity

DEPARTMENT OF THE PRIME MINISTER AND CABINET

PM&C
Secretary
Ms Cross
Mr Hazlehurst
Ms McDevitt
Ms Wood
Mr Castellino
Mr Smalley
Ms Yeend
Mr Noble
Ms Matthews

To: Prime Minister (for decision by 18 October 2013)

ACTIVATING THE AUSTRALIAN VICTIM OF TERRORISM OVERSEAS
PAYMENT SCHEME FOR THE 2004 JAKARTA INCIDENTPMO
Chief of Staff
File

Recommendations - that you:

1. agree to activate the Australian Victim of Terrorism Overseas Payment (AVTOP) scheme for the 2004 Australian Embassy bombing in Jakarta, Indonesia by signing the attached declaration (Attachment A);
2. approve the explanatory statement (Attachment B) for tabling with the declaration in both Houses of Parliament; and
3. sign the attached letter to the Attorney-General, Senator the Hon George Brandis QC, informing him of your decision (Attachment C).

Agreed / Not Agreed

Agreed / Not Agreed

s 22(1)(b)(ii)

Signed / Not Signed

TONY ABBOTT

Date: 20/10/13

Comments:

Key Points:

1. Following reporting of the recent AVTOP scheme activations, we have been informed that there may be Australian victims of the 2004 Jakarta bombing s 47C, s 47F

s 47C, s 47F

s 47C

a.

s 47C, s 47F

s 47C

- b. The then Ambassador to Indonesia has also raised the question of possible victims.

s 47C

c.

s 47C, s 47F

2.

s 47C, s 47F

3. Signing the declaration (Attachment A) will activate AVTOP for victims of the 2004 incident in Jakarta. To do this, you need to be satisfied that the incident meets the

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definition of a terrorist act under the Criminal Code and declare the incident under the *Social Security Act (1991)*.

a. The Criminal Code provides a 'terrorist act' occurs if an action or threat of action:

- i. causes serious physical harm to a person or serious damage to property, endangers a person's life, creates a serious risk to public health or safety or seriously interferes with an electronic system; and
- ii. has the intention of advancing a political, religious or ideological cause, with the intention of intimidating the government of the Commonwealth or a State, Territory or foreign country, or the public or a section of the public.

b. AGD considers the incident to be a terrorist act. A summary of the Department's advice is at Attachment D.

4. We have been advised through your Parliamentary Secretary, the Hon Josh Frydenberg MP [REDACTED] s 47F

[REDACTED] While existing records will be used when available, it would not be appropriate to waive documentation requirements in view of the size of the payment and formal eligibility criteria. Hotline staff are being trained by social workers to assist clients and counselling services will be available.

5. A draft letter to the Attorney-General advising him of your decision to declare the 2004 Jakarta bombing a terrorist event is at Attachment C.

a. [REDACTED] s 22(1)(b)(ii)

b. [REDACTED] s 22(1)(b)(ii)

[REDACTED] s 22(1)(b)(ii)

Julie Yeend
Assistant Secretary
Social Services and Disaster Recovery Branch
17 October 2013

Policy Officer: [REDACTED] s 22(1)(b)(ii)
Phone no: [REDACTED] s 22(1)(b)(ii)
Consultation: Fiscal, CPHS, AGD, ASIO, DFAT

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ATTACHMENTS

ATTACHMENT A DRAFT DECLARATION

ATTACHMENT B EXPLANATORY STATEMENT

ATTACHMENT C DRAFT RESPONSE TO THE ATTORNEY-GENERAL

ATTACHMENT D ANALYSIS OF THE 2004 JAKARTA INCIDENT

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COPY



PRIME MINISTER

Reference: B13/1907

20 OCT 2013

Senator the Hon George Brandis QC
Attorney-General
Parliament House
CANBERRA ACT 2600

Dear Attorney-General *George*

I am writing in relation to the activation of the Australian Victim of Terrorism Overseas Payment (AVTOP) scheme for victims of the 2004 Australian Embassy bombing in Jakarta, Indonesia.

Following advice from your Department, I am satisfied that the terrorist incident at the Australian Embassy in Jakarta, Indonesia on 9 September 2004 meets the definition of a terrorist act under section 100.1 of the Criminal Code and have activated the AVTOP scheme for this event. I have attached a copy of the signed declaration.

s 22(1)(b)(ii)

I have copied this letter to the Treasurer, the Minister for Finance and the Minister for Human Services.

Yours sincerely
s 22(1)(b)(ii)

TONY ABBOTT

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Copy - original
provided to AGD
on 22 Oct 13



Social Security (Declared Overseas Terrorist Act) Declaration 2013 - Jakarta

Social Security Act 1991

I, TONY ABBOTT, Prime Minister, make this declaration under subsection 35B(1) of the *Social Security Act 1991*.

Dated 20/10/2013

s 22(1)(b)(ii)

TONY ABBOTT

Prime Minister

1 Name of declaration

This declaration is the *Social Security (Declared Overseas Terrorist Act) Declaration 2013 - Jakarta*.

2 Commencement

This declaration commences on the day after it is registered under the *Legislative Instruments Act 2003*.

3 Definitions

In this declaration:

Act means the *Social Security Act 1991*.

terrorist act has the same meaning as in subsection 100.1(1) of the *Criminal Code*.

Declared overseas terrorist act

For the purposes of subsection 35B(1) of the Act, the bombing at the Australian Embassy, JL. H.R. Rasuna Said Kav. C 15-16, South Jakarta 12940, Indonesia on 9 September 2004 is a declared overseas terrorist act.

EXPLANATORY STATEMENT

Social Security (Declared Overseas Terrorist Act) Declaration 2013 – Jakarta

The *Social Security (Declared Overseas Terrorist Act) Declaration 2013 – Jakarta* (the Declaration) is made under subsection 35B(1) of the *Social Security Act 1991* (the Act) by the Prime Minister.

Background

Part 2.24AA of the *Social Security Act 1991* provides a scheme for financial assistance to Australians who are victims of a declared overseas terrorist act. Victims are Australians who are harmed as a direct result of the declared overseas terrorist act or who are the close family member of a person who dies as a direct result of a declared overseas terrorist act.

The Act enables the Prime Minister to declare that an overseas terrorist incident is one to which the scheme applies. Australians who are harmed as a direct result of such an incident will be able to claim financial assistance of up to \$75,000. In addition, Australians who are the close family member of a person who dies as a direct result of such an incident will be able to claim financial assistance of up to \$75,000.

Purpose

The Declaration triggers the application of the scheme to a specific overseas terrorist act set out in this Declaration.

Explanation and effect of provisions

Section 1 - Name of Declaration

Section 1 sets out the title of the Declaration as the *Social Security (Declared Overseas Terrorist Act) Declaration 2013 – Jakarta*.

Section 2 – Commencement

Section 2 provides that the Declaration commences on the day after it is registered.

Section 3 – Definitions

Section 3 sets out the interpretive provisions that are relevant to the Declaration as follows:

- **Act** means the *Social Security Act 1991*.
- **terrorist act** has the same meaning it has in subsection 100.1(1) of the *Criminal Code*.

Section 4 – Declared overseas terrorist act

Section 4 provides that the bombing at the Australian Embassy, JL. H.R. Rasuna Said Kav. C 15-16, South Jakarta 12940, Indonesia on 9 September 2004 is a declared overseas terrorist act for the purpose of subsection 35B(1).

Human rights implications of the Declaration

This declaration is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

This statement has been prepared in accordance with Part 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

The Declaration activates the AVTOP scheme to apply to Australian victims of the bombing at the Australian Embassy, JL. H.R. Rasuna Said Kav. C 15-16, South Jakarta 12940, Indonesia on 9 September 2004.

The Declaration promotes the economic and social rights of victims of terrorism and members of their families, specifically their rights to:

- social security (Article 9, International Covenant on Economic, Social and Cultural Rights (ICESCR))
- an adequate standard of living (Article 11, ICESCR)
- health (Article 12, ICESCR)
- family life (Article 10, ICESCR), and
- rights of persons with a disability under the Convention on the Rights of Persons with Disabilities (CRPD), particularly:
 - Article 25 – the right to the enjoyment of the highest attainable standard of health without discrimination on the basis of disability, and
 - Article 26 - effective and appropriate measures, including through peer support, to enable persons with disabilities to attain and maintain maximum independence, full physical, mental, social and vocational ability, and full inclusion and participation in all aspects of life.

Terrorist attacks impose a heavy burden on victims and their families. In some cases, this burden will endure for life. Primary victims of declared overseas terrorist acts may:

- lose their life

- require medical treatment
- require ongoing domestic care and assistance
- lose some or all of their capacity to work and earn income, and
- experience mental health problems.

Secondary victims of declared overseas terrorist acts may:

- lose some or all of their family members, and
- experience a loss of support that they received from their family member.

Right to social security

Article 9 of ICESCR requires that States establish a social security system and, within its maximum available resources, ensure access to a social security scheme that provides a minimum essential level of benefits to all individuals and families that will enable them to acquire at least essential health care, basic shelter and housing, water and sanitation, foodstuffs, and the most basic forms of education.

This declaration promotes the rights of people who are primary and secondary victims of the declared overseas terrorist act in a number of ways. The declaration enables victims to access their right to social security. The payments to Australians who have been harmed in the declared overseas terrorist act are awarded on a sliding scale. A larger payment is awarded to victims who experience injuries that are more significant or the loss of a close family member because of the act. For example, a person who loses both legs is eligible for a payment of \$75,000 whereas a person who has fractured their toes would only be entitled to \$6,000. AVTOP is not intended to replace other forms of government assistance.

On this basis, the declaration promotes the right to social security.

Right to health

Article 12 of ICESCR provides the right to the enjoyment of the highest attainable standard of physical and mental health. The scheme awards a larger payment to victims who suffer serious injuries. These types of injuries require extensive medical treatment and/or domestic care and assistance. The scheme will promote the right to health by providing money which can be used in any way by the recipient including for medical expenses.

The amount paid to the victim will depend on a range of factors including:

- the nature of the victim's injuries
- the impact of the terrorist act on the victim's life

- if, and to what extent, the victim contributed to their injuries, and
- if, and to what extent, the victim received financial assistance from a foreign country for the injury arising from the terrorist act.

On this basis, the declaration promotes the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

Right to family life

The Declaration promotes the victim's right to family life. The family is the fundamental and natural unit of society and requires the full protection of the state. Human rights law upholds the positive right of all peoples to marry and found a family. The scheme awards payment to secondary victims who have a close family relationship with the deceased person. This makes a contribution to preserving the integrity of the family unit during a difficult time. The scheme gives priority of payment to a deceased person's partner and child, followed by their parent, then sibling.

On this basis, the declaration promotes the right of protection of and assistance to the family.

Conclusion

The Declaration is compatible with human rights because it promotes the protection of human rights.

ATTACHMENT D

Summary of advice from the Attorney-General's Department

Subsection 35B(1) of the *Social Security Act 1991* provides that the Prime Minister may, by legislative instrument, declare that a terrorist act that occurs outside Australia is a declared overseas terrorist act.

The Attorney-General's Department advises that prior to declaring an incident, the Prime Minister must be satisfied that the incident meets the definition of a terrorist act. Subsection 23(1) of the *Social Security Act 1991* provides that a terrorist act has the same meaning as in section 100.1 of the Criminal Code.

Section 100.1 of the Criminal Code

(1) In this part:

...

terrorist act means an action or threat of action where:

- (a) the action falls within subsection (2) and does not fall within subsection (3); and
- (b) the action is done or the threat is made with the intention of advancing a political, religious or ideological cause; and
- (c) the action is done or the threat is made with the intention of:
 - (i) coercing, or influencing by intimidation, the government of the Commonwealth or a State, Territory or foreign country, or of part of a State, Territory or foreign country; or
 - (ii) intimidating the public or a section of the public.

...

(2) Action falls within this subsection if it:

- (a) causes serious harm that is physical harm to a person; or
- (b) causes serious damage to property; or
- (c) causes a person's death; or
- (d) endangers a person's life, other than the life of the person taking the action; or
- (e) creates a serious risk to the health or safety of the public or a section of the public;
or
- (f) seriously interferes with, seriously disrupts, or destroys, an electronic system...

(3) Action falls within this subsection if it:

- (a) is advocacy, protest, dissent or industrial action; and
- (b) is not intended:
 - (i) to cause serious harm that is physical harm to a person; or
 - (ii) to cause a person's death; or
 - (iii) to endanger the life of a person, other than the person taking the action; or
 - (iv) to create a serious risk to the health or safety of the public or a section of the public.

...

Jakarta, Indonesia, 9 September 2004

The Attorney-General's Department advises that the Prime Minister could be satisfied that the action, being bombing at the Australian Embassy, JL. H.R. Rasuna Said Kav. C 15-16, South Jakarta 12940, Indonesia on 9 September 2004, comes within the definition of 'terrorist act' in sections 100.1 of the Criminal Code.

At approximately 10:25am (Jakarta time) on 9 September 2004 a car bomb exploded four metres from the front gates of the Australian Embassy in the Kuningan District of South Jakarta.

s 7(2A)(b)

s 7(2A)(b)

s 7(2A)(b)

s 7(2A)(b)

The action caused the death of 10 Indonesians and endangered the lives of those working in and around the Australian Embassy including Australians and Australian officials. The bomb also propelled shrapnel and debris into the Embassy's glass façade, the surrounding buildings and the street. Whilst the Embassy's structure withstood the impact of the blast the windows to the front office were completely blown in.

~~PROTECTED~~

Reference: B13/1907

Senator the Hon George Brandis QC
Attorney-General
Parliament House
CANBERRA ACT 2600

Dear Attorney-General

I am writing in relation to the activation of the Australian Victim of Terrorism Overseas Payment (AVTOP) scheme for victims of the 2004 Australian Embassy bombing in Jakarta, Indonesia.

Following advice from your Department, I am satisfied that the terrorist incident at the Australian Embassy in Jakarta, Indonesia on 9 September 2004 meets the definition of a terrorist act under section 100.1 of the Criminal Code and have activated the AVTOP scheme for this event. I have attached a copy of the signed declaration.

s 22(1)(b)(ii)

I have copied this letter to the Treasurer, the Minister for Finance and the Minister for Human Services.

Yours sincerely

Authorised by
s 22(1)(b)(ii)

Julie Yeend

Assistant Secretary

Social Services & Disaster

17 October 2013 Recovery Branch

TONY ABBOTT

Contact Officer:

s 22(1)(b)(ii)

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Ref: C14/34273

Routine/Low Complexity

DEPARTMENT OF THE PRIME MINISTER AND CABINET

PM&C
Secretary
Ms Cross
Mr Hazlehurst
Ms Davidson
Ms McDevitt
Ms Clarke

To: Parliamentary Secretary to the Prime Minister

INQUIRY REGARDING THE AUSTRALIAN VICTIM OF TERRORISM
OVERSEAS PAYMENT

PMO
s 22(1)(b)(ii)

MO
Chief of Staff

File:

Recommendation - that you:

1. Sign the reply to the Minister for Foreign Affairs, the Hon Julie Bishop MP (Attachment A).

s 22(1)(b)(ii)

Signed / Not Signed

JOSH FRYDENBERG

Date: 16/5/14

Comments:

Key Points:

1. Ms Bishop s 47F
(Attachment B).
2. The AVTOP scheme was activated on 21 October 2013 in relation to nine past terrorist events. s 47F, an event which is currently not included under the scheme.
3. While the Prime Minister declares a specific event part of the AVTOP scheme, policy responsibility belongs to the Attorney-General, Senator the Hon George Brandis QC. The Attorney-General is best placed to respond to Ms Bishop.
4. The Attorney-General's Department is currently collating information on other events that have not been declared as overseas terrorist acts for consideration as part of the scheme.
5. Some of the factors that may be taken into account when deciding to make a declaration are: the nature or extent of the terrorist act; the direct or indirect impact of the act on Australia or Australians; whether the terrorist act is of national significance; and the extent to which the terrorist act targeted Australia or Australian interests.

s 22(1)(b)(ii)

Louise Clarke
Assistant Secretary
Health and Disaster Recovery Branch
14 May 2014

Policy Officer: s 22(1)(b)(ii)
Phone no: s 22(1)(b)(ii)
Consultation: AGD

~~For Official Use Only~~

COPY




PARLIAMENTARY SECRETARY
TO THE PRIME MINISTER


Reference: C14/34273

17 JUN 2014

The Hon Julie Bishop MP
Minister for Foreign Affairs
Member for Curtin
PO Box 2010
SUBIACO WA 6904

Dear Minister 

Thank you for your letter dated 30 April 2014 to the Prime Minister,  s 47F


The Prime Minister has asked me to reply on his behalf.

The AVTOP scheme does not cover every overseas terrorist act. It applies only to those events specifically declared by the Prime Minister. The scheme currently covers nine events (United States 2001, Bali 2002, Jakarta 2004, London 2005, Bali 2005, Egypt 2006, Mumbai 2008, Jakarta 2009 and Nairobi 2013).

Other events may be considered for declaration. Such events need to meet the prerequisites set out in the *Social Security Act 1991* for possible declaration by the Prime Minister as a declared overseas terrorist act for the purposes of the AVTOP scheme.

Your letter has been referred to the Attorney-General for response as he has policy responsibility for the scheme.

Yours sincerely
s 22(1)(b)(ii)


JOSH FRYDENBERG

~~PROTECTED - Covering SECRET~~

Ref: B13/1689

Routine /Low Complexity

DEPARTMENT OF THE PRIME MINISTER AND CABINET**To: Prime Minister****AUSTRALIAN VICTIMS OF TERRORISM OVERSEAS****Recommendation(s) - that you:**

1. sign the attached declaration (Attachment A) to make victims of overseas terrorist acts eligible to claim compensation under the Australian Victim of Terrorism Overseas Payment (AVTOP) scheme;

Agreed / Not Agreed

2. approve the explanatory statement (Attachment B) for tabling with the declaration in both Houses of Parliament;

Agreed / Not Agreed

3. [redacted] s 22(1)(b)(ii)

and

s 22(1)(b)(ii)

4. sign the draft letter to the Minister for Finance (Attachment D).

Signed / Not Signed

s 22(1)(b)(ii)

Tony Abbott

Date:

20/2/10

Comments:

s 47C

s 47C

Key Points:

1. Signing the attached declaration (Attachment A) will activate AVTOP for victims of the terrorist acts you identified in your election commitment (New York, Bali (12 October 2002 and 1 October 2005), London, Jakarta and Mumbai) and, on the advice of the Attorney-General's Department, the Egypt bombings on 24 April 2006.
2. Before signing the declaration, you must be satisfied that each incident meets the definition of a terrorist act within the meaning of section 100.1(1) of the Criminal Code. The Attorney-General's Department is satisfied that each of the incidents set out in the declaration (Attachment A) meets this definition. Attachment C sets out a summary of the analysis.
 - a. The Criminal Code provides a 'terrorist act' occurs if an action or threat of action:
 - i. causes serious physical harm to a person or serious damage to property, endangers a person's life, creates a serious risk to public health or safety or seriously interferes with an electronic system; and
 - ii. has the intention of advancing a political, religious or ideological cause, with the intention of intimidating the government of the Commonwealth or a State, Territory or foreign country, or the public or a section of the public.

s 47C

s 47C

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Yeend
Hazlehurst
Castellino
Leverett
Matthews

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visor/s]

3. The declaration is a legislative instrument that must be tabled in both Houses of Parliament along with an explanatory statement. An explanatory statement (Attachment B) is attached for your approval.
4. Although you can sign it immediately, the declaration will commence on 21 October 2013 to give the Department of Human Services (DHS) time to establish procedures to accept and assess claims. If your office provides advance notice of any public announcement on the declaration, DHS will have call centre staff available to answer queries. The declaration will need to be signed and lodged on the Federal Register of Legislative Instruments before 21 October 2013.

a. s 22(1)(b)(ii)

5. s 22(1)(b)(ii)

a. s 22(1)(b)(ii)

b. s 22(1)(b)(ii)

c. s 22(1)(b)(ii)

s 22(1)(b)(ii)

Rebecca Cross
Deputy Secretary
Domestic Policy
18/9/13

Policy Officer: Julie Yeend
Phone no: s 22(1)(b)(ii)
Consultation: Attorney-General's,
Finance, DHS, Fiscal, Cab Sec, CERHOS

ATTACHMENTS

**ATTACHMENT A – Draft Social Security (Declared Overseas Terrorist Act)
Declaration 2013 and explanatory statement**

ATTACHMENT B – Explanatory statement for declaration

ATTACHMENT C – Summary of advice from the Attorney-General's Department

ATTACHMENT D – Draft letter to Minister for Finance



Social Security (Declared Overseas Terrorist Act) Declaration 2013

Social Security Act 1991

I, TONY ABBOTT, Prime Minister, make this declaration under subsection 35B(1) of the *Social Security Act 1991*.

Dated 20/9/2013

s 22(1)(b)(ii)

TONY ABBOTT

Prime Minister

1 Name of declaration

This declaration is the *Social Security (Declared Overseas Terrorist Act) Declaration 2013*.

2 Commencement

This declaration commences on 21 October 2013.

3 Definitions

In this declaration:

Act means the *Social Security Act 1991*.

terrorist act has the same meaning as in subsection 100.1 of the *Criminal Code*.

Declared overseas terrorist act

For the purposes of subsection 35B(1) of the Act, the following terrorist acts are declared overseas terrorist acts:

- (1) the crashing of commercial airliners into the World Trade Center in New York, into the Pentagon building in Washington DC, and near Shanksville, Pennsylvania, in the United States of America on 11 September 2001
- (2) the bombings at Paddy's Bar on Jalan Legian, Kuta, at the Sari Club, Kuta, and in the vicinity of the US Consulate, Renon, Denpasar, in Bali, Indonesia on 12 October 2002
- (3) the bus bombing at Tavistock Square and the train bombings in the Circle Line tunnel between Liverpool Street and Aldgate stations, on the Circle Line outside Edgware Road, and in a Piccadilly Line tunnel between King's Cross and Russell Square in London, United Kingdom on 7 July 2005
- (4) the suicide bombings in the vicinity of the Four Seasons Hotel, Jimbaran Beach, Kuta, the Kuta shopping centre, Kuta and the Raja Bar and Restaurant, Kuta, in Bali Indonesia on 1 October 2005
- (5) the bombings in the vicinity of the Nelson restaurant, the Aladdin café, and the Ghazala market in Dahab, Egypt on 24 April 2006
- (6) small arms assaults in the vicinity of Chatrapati Shivaji Terminus, the Leopold Café, the Taj Hotel, the Oberoi – Trident Hotel, and Nariman House in Mumbai, India on 26 November 2008 – 28 November 2008, and
- (7) the suicide bombings in the vicinity of the JW Marriott and Ritz-Carlton hotels in Jakarta, Indonesia on 17 July 2009.

EXPLANATORY STATEMENT

Social Security (Declared Overseas Terrorist Act) Declaration 2013

The Social Security (Declared Overseas Terrorist Act) Declaration 2013 (the Declaration) is made under subsection 35B(1) of the *Social Security Act 1991* (the Act) by the Prime Minister.

Background

Part 2.24AA of the *Social Security Act 1991* provides a scheme for financial assistance to Australians who are victims of a declared overseas terrorist act. Victims are Australians who are harmed as a direct result of the declared overseas terrorist act or who are the close family member of a person who dies as a direct result of a declared overseas terrorist act.

The Act enables the Prime Minister to declare that an overseas terrorist incident is one to which the scheme applies. Australians who are harmed as a direct result of such an incident will be able to claim financial assistance of up to \$75,000. In addition, Australians who are the close family member of a person who dies as a direct result of such an incident will be able to claim financial assistance of up to \$75,000.

Purpose

The Declaration triggers the application of the scheme to specific overseas terrorist acts set out in this Declaration.

Explanation and effect of provisions

Section 1 - Name of Declaration

Section 1 sets out the title of the Declaration as the *Social Security (Declared Overseas Terrorist Act) Declaration 2013*.

Section 2 – Commencement

Section 2 of the Declaration provides that the Declaration commences on 21 October 2013.

Section 3 – Definitions

Section 3 of the Declaration sets out the interpretive provisions that are relevant to the Declaration as follows:

- *Act* means the *Social Security Act 1991*.
- *terrorist act* has the same meaning it has in subsection 100.1(1) of the *Criminal Code*.

Section 4 – Declared overseas terrorist act

Section 4 of the Declaration sets out each of the overseas terrorist acts that the Prime Minister is declaring under subsection 35B(1) of the Act. These particular acts are declared because of the direct impact they had on Australian nationals and because of the extent to which the terrorist acts were targeted against western interests. Hundreds of Australians were either injured or killed in these acts and for that reason it is appropriate for the scheme to apply.

Subsection 4(1) provides that the hijacking and crashing of four commercial airliners:

- into the World Trade Center in New York,
- into the Pentagon building in Washington DC, and
- near Shanksville, Pennsylvania

in the United States of America on 11 September 2001 is a declared overseas terrorist act for the purposes of subsection 35B(1) of the Act:

Subsection 4(2) provides that the bombings:

- at Paddy's Bar on Jalan Legian, Kuta
- at the Sari Club in Kuta, and
- in the vicinity of the US Consulate, Renon, Denpasar

in Bali, Indonesia on 12 October 2002 is a declared overseas terrorist act for the purposes of subsection 35B(1) of the Act.

Subsection 4(3) provides that the bus bombings at Tavistock Square and the train bombings:

- in the Circle Line tunnel between Liverpool Street and Aldgate stations,
- on the Circle Line outside Edgware Road, and
- in the Piccadilly Line tunnel between King's Cross and Russell Square

in London, United Kingdom on 7 July 2005 is a declared overseas terrorist act for the purposes of subsection 35B(1) of the Act.

Subsection 4(4) provides that the suicide bombings in the vicinity of:

- the Four Seasons Hotel, Jimbaran Beach, Kuta
- the Kuta Shopping Centre, Kuta, and
- the Raja Bar and Restaurant, Kuta

in Bali, Indonesia on 1 October 2005 is a declared overseas terrorist act for the purposes of subsection 35B(1) of the Act.

Subsection 4(5) provides that the bombings in the vicinity of:

- the Nelson restaurant,
- the Aladdin café, and
- the Ghazala market

in Dahab, Egypt on 24 April 2006 is a declared overseas terrorist act for the purposes of subsection 35B(1) of the Act.

Subsection 4(6) provides that the small arms assault that occurred in the vicinity of:

- Chatrapati Shivaji Terminus
- Leopold Café
- Taj Hotel
- Oberoi – Trident Hotel, and
- Nariman House

in Mumbai, India between 26 November 2008 and 28 November 2008 is a declared overseas terrorist act for the purposes of subsection 35B(1) of the Act.

Subsection 4(7) provides that the suicide bombings in the vicinity of the JW Marriott and Ritz-Carlton hotels in Jakarta, Indonesia on 17 July 2009 is a declared overseas terrorist act for the purposes of subsection 35B(1) of the Act.



PRIME MINISTER

Reference: B13/1689

20 SEP 2013

Senator Mathias Cormann
Senator for Western Australia
Parliament House
CANBERRA ACT 2600

Dear Minister

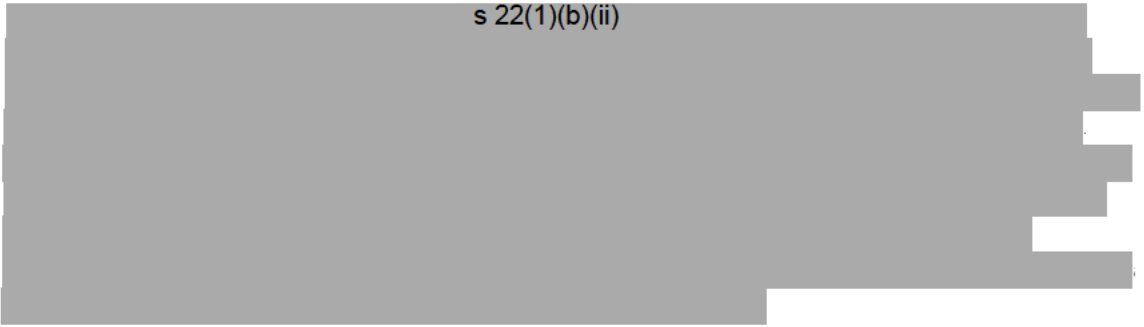
I am writing in relation to our commitment to provide compensation to Australian victims of terrorism overseas since 10 September 2001.

Consistent with my intention to deliver results from day one, on 19 September 2013 I made a declaration under the *Social Security Act 1991* to allow Australian victims of terrorist acts which occurred after 10 September 2001 to claim compensation. I have made a declaration providing that terrorist acts in New York, Bali (12 October 2002 and 1 October 2005), London, Jakarta (17 July 2009) and Mumbai are covered by the Australian Victim of Terrorism Overseas Payment scheme. On the advice of the Attorney-General's Department, I have also declared the attack in Egypt on 24 April 2006 a terrorist event.

Victims will be eligible for assistance of up to \$75,000 under section 1061PAA of the *Social Security Act 1991*.

The declaration will come into effect on 21 October 2013, in order to give the Department of Human Services (DHS) time to establish procedures to accept and assess claims. Administrative arrangements will include guidance material for decision makers, a dedicated phone line to answer queries from claimants, appropriate professional advice for assessing claims, and social work support to assist victims in dealing with their claims if required.

s 22(1)(b)(ii)



I am proud of delivering on this commitment as one of my first acts as Prime Minister and within the first 100 days of office as we foreshadowed.

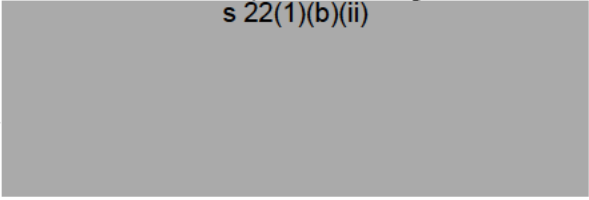
I ask that the Attorney-General, Senator the Hon George Brandis QC, and the Minister for Human Services, Senator the Hon Marise Payne, work together to ensure that all necessary steps are taken to implement this election commitment on time.

I have copied this letter to the Treasurer, the Attorney-General and the Minister for Human Services.

Thank you for your cooperation in this matter.

Yours sincerely

s 22(1)(b)(ii)



TONY ABBOTT

~~PROTECTED COVERING SECRET AUSTEO~~Ref: B13/1783
Routine/Low Complexity

DEPARTMENT OF THE PRIME MINISTER AND CABINET

To: Prime Minister (for decision by 10 October 2013)

ACTIVATING THE AUSTRALIAN VICTIM OF TERRORISM OVERSEAS
PAYMENT SCHEME FOR THE NAIROBI INCIDENT**Recommendations** - that you:

1. agree to activate the Australian Victim of Terrorism Overseas Payment (AVTOP) scheme for the incident in Nairobi, Kenya on 21 September 2013 by signing the attached declaration (Attachment A);
2. approve the explanatory statement (Attachment B) for tabling with the declaration in both Houses of Parliament; and
3. sign the attached letter to the Attorney-General, Senator the Hon George Brandis QC, informing him of your decision (Attachment C).

Agreed / Not Agreed

Agreed / Not Agreed

s 22(1)(b)(ii)

Signed / Not Signed

Tony Abbott

Date:

Comments:

Key Points:

1. Signing the attached declaration (Attachment A) will activate AVTOP for victims of the attack at the Westgate Shopping Mall in Nairobi, Kenya on 21–24 September 2013.
 - a. One Australian-UK national, Ross Langdon, was killed in the attack [REDACTED]
[REDACTED] s 47C, s 47F [REDACTED]
2. In order to activate AVTOP for the Nairobi incident, you need to be satisfied that the incident meets the definition of a terrorist act under the Criminal Code and declare the incident under the *Social Security Act (1991)*.
 - a. The Criminal Code provides a 'terrorist act' occurs if an action or threat of action:

~~PROTECTED COVERING SECRET AUSTEO~~PM&C
Secretary
Ms Cross
Mr Hazlehurst
Ms McDevitt
Ms Wood
Mr Castellino
Mr Smalley
Ms Yeend
Mr Noble
Ms MatthewsPMO
Chief of Staff

File

- i. causes serious physical harm to a person or serious damage to property, endangers a person's life, creates a serious risk to public health or safety or seriously interferes with an electronic system; and
 - ii. has the intention of advancing a political, religious or ideological cause, with the intention of intimidating the government of the Commonwealth or a State, Territory or foreign country, or the public or a section of the public.
- b. The Attorney-General's Department (AGD) considers the incident to be a terrorist act. A summary of the Department's advice is at Attachment D.
3. If you sign the attached declaration (Attachment A), it will come into effect on 21 October 2013, the same date as the declaration for previous terrorist acts (B13/1689 of 18 September 2013 refers). The Office of Parliamentary Council will require several days to register the documents before they come into effect.

4. [REDACTED] s 47C

5. A draft letter is attached to the Attorney-General advising him of your decision to declare Nairobi a terrorist event (Attachment C).

a. [REDACTED] s 22(1)(b)(ii)

b. [REDACTED] s 22(1)(b)(ii)

6. [REDACTED] s 22(1)(b)(ii)

[REDACTED] s 22(1)(b)(ii)

Rebecca Cross
Deputy Secretary
Domestic Policy Branch

3 October 2013

Policy Officer: [REDACTED] s 22(1)(b)(ii)

Phone no: [REDACTED] s 22(1)(b)(ii)

Consultation: Fiscal, Govt, CPHS, AGD,
ONA, ASIO

ATTACHMENTS

ATTACHMENT A DRAFT DECLARATION

ATTACHMENT B BACKGROUND

ATTACHMENT C DRAFT RESPONSE TO THE ATTORNEY-GENERAL

ATTACHMENT D ANALYSIS OF THE NAIROBI INCIDENT



Social Security (Declared Overseas Terrorist Act) Declaration 2013 - Nairobi

Social Security Act 1991

I, TONY ABBOTT, Prime Minister, make this declaration under subsection 35B(1) of the *Social Security Act 1991*.

Dated 2013

s 22(1)(b)(ii)

TONY ABBOTT

Prime Minister

1 Name of declaration

This declaration is the *Social Security (Declared Overseas Terrorist Act) Declaration 2013 – Nairobi*.

2 Commencement

This declaration commences on 21 October 2013.

3 Definitions

In this declaration:

Act means the *Social Security Act 1991*.

terrorist act has the same meaning as in subsection 100.1(1) of the *Criminal Code*.

4 Declared overseas terrorist act

For the purposes of subsection 35B(1) of the Act, the armed assault at the Westgate Shopping Mall in Westlands, Nairobi, Kenya on 21-24 September 2013 is a declared overseas terrorist act.

EXPLANATORY STATEMENT

Social Security (Declared Overseas Terrorist Act) Declaration 2013 – Nairobi

The *Social Security (Declared Overseas Terrorist Act) Declaration 2013 – Nairobi* (the Declaration) is made under subsection 35B(1) of the *Social Security Act 1991* (the Act) by the Prime Minister.

Background

Part 2.24AA of the *Social Security Act 1991* provides a scheme for financial assistance to Australians who are victims of a declared overseas terrorist act. Victims are Australians who are harmed as a direct result of the declared overseas terrorist act or who are the close family member of a person who dies as a direct result of a declared overseas terrorist act.

The Act enables the Prime Minister to declare that an overseas terrorist incident is one to which the scheme applies. Australians who are harmed as a direct result of such an incident will be able to claim financial assistance of up to \$75,000. In addition, Australians who are the close family member of a person who dies as a direct result of such an incident will be able to claim financial assistance of up to \$75,000.

Purpose

The Declaration triggers the application of the scheme to a specific overseas terrorist act set out in this Declaration.

Explanation and effect of provisions

Section 1 - Name of Declaration

Section 1 sets out the title of the Declaration as the *Social Security (Declared Overseas Terrorist Act) Declaration 2013 – Nairobi*.

Section 2 – Commencement

Section 2 provides that the Declaration commences on 21 October 2013.

Section 3 – Definitions

Section 3 sets out the interpretive provisions that are relevant to the Declaration as follows:

- **Act** means the *Social Security Act 1991*.
- **terrorist act** has the same meaning it has in subsection 100.1(1) of the *Criminal Code*.

Section 4 – Declared overseas terrorist act

Section 4 provides that the armed assault at the Westgate Shopping Mall in Westlands, Nairobi, Kenya on 21-24 September 2013 is a declared overseas terrorist act for the purposes of subsection 35B(1).

Human rights implications of the Declaration

This declaration is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

This statement has been prepared in accordance with Part 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

The Declaration activates the AVTOP scheme to apply to Australian victims of the armed assault at the Westgate Shopping Mall, Westlands, Nairobi, Kenya on 21-24 September 2013.

The Declaration promotes the economic and social rights of victims of terrorism and members of their families, specifically their rights to:

- social security (Article 9, International Covenant on Economic, Social and Cultural Rights (ICESCR))
- an adequate standard of living (Article 11, ICESCR)
- health (Article 12, ICESCR)
- family life (Article 10, ICESCR), and
- rights of persons with a disability under the Convention on the Rights of Persons with Disabilities (CRPD), particularly:
 - Article 25 – the right to the enjoyment of the highest attainable standard of health without discrimination on the basis of disability, and
 - Article 26 - effective and appropriate measures, including through peer support, to enable persons with disabilities to attain and maintain maximum independence, full physical, mental, social and vocational ability, and full inclusion and participation in all aspects of life.

Terrorist attacks impose a heavy burden on victims and their families. In some cases, this burden will endure for life. Primary victims of declared overseas terrorist acts may:

- lose their life
- require medical treatment

- require ongoing domestic care and assistance
- lose some or all of their capacity to work and earn income, and
- experience mental health problems.

Secondary victims of declared overseas terrorist acts may:

- lose some or all of their family members, and
- experience a loss of support that they received from their family member.

Right to social security

Article 9 of ICESCR requires that States establish a social security system and, within its maximum available resources, ensure access to a social security scheme that provides a minimum essential level of benefits to all individuals and families that will enable them to acquire at least essential health care, basic shelter and housing, water and sanitation, foodstuffs, and the most basic forms of education.

This declaration promotes the rights of people who are primary and secondary victims of the declared overseas terrorist act in a number of ways. The declaration enables victims to access their right to social security. The payments to Australians who have been harmed in the declared overseas terrorist act are awarded on a sliding scale. A larger payment is awarded to victims who experience injuries that are more significant or the loss of a close family member because of the act. For example, a person who loses both legs is eligible for a payment of \$75,000 whereas a person who has fractured their toes would only be entitled to \$6,000. AVTOP is not intended to replace other forms of government assistance.

On this basis, the declaration promotes the right to social security.

Right to health

Article 12 of ICESCR provides the right to the enjoyment of the highest attainable standard of physical and mental health. The scheme awards a larger payment to victims who suffer serious injuries. These types of injuries require extensive medical treatment and/or domestic care and assistance. The scheme will promote the right to health by providing money which can be used in any way by the recipient including for medical expenses.

The amount paid to the victim will depend on a range of factors including:

- the nature of the victim's injuries
- the impact of the terrorist act on the victim's life
- if, and to what extent, the victim contributed to their injuries, and

- if, and to what extent, the victim received financial assistance from a foreign country for the injury arising from the terrorist act.

On this basis, the declaration promotes the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

Right to family life

The Declaration promotes the victims' right to family life. The family is the fundamental and natural unit of society and requires the full protection of the state. Human rights law upholds the positive right of all peoples to marry and found a family. The scheme awards payment to secondary victims who have a close family relationship with the deceased person. This makes a contribution to preserving the integrity of the family unit during a difficult time. The scheme gives priority of payment to deceased a person's partner and child, followed by their parent, then sibling.

On this basis, the declaration promotes the right of protection of and assistance to the family.

Conclusion

The Declaration is compatible with human rights because it promotes the protection of human rights.

ATTACHMENT D

Summary of advice from the Attorney-General's Department

Subsection 35B(1) of the *Social Security Act 1991* provides that the Prime Minister may, by legislative instrument, declare that a terrorist act that occurs outside Australia is a declared overseas terrorist act.

The Attorney-General's Department advises that prior to declaring an incident, the Prime Minister must be satisfied that the incident meets the definition of a terrorist act.

Subsection 23(1) of the *Social Security Act 1991* provides that terrorist act has the same meaning as in subsection 100.1 of the Criminal Code.

Section 100.1 of the Criminal Code

(1) In this part:

...

terrorist act means an action or threat of action where:

- (a) the action falls within subsection (2) and does not fall within subsection (3); and
- (b) the action is done or the threat is made with the intention of advancing a political, religious or ideological cause; and
- (c) the action is done or the threat is made with the intention of:
 - (i) coercing, or influencing by intimidation, the government of the Commonwealth or a State, Territory or foreign country, or of part of a State, Territory or foreign country; or
 - (ii) intimidating the public or a section of the public.

...

(2) Action falls within this subsection if it:

- (a) causes serious harm that is physical harm to a person; or
- (b) causes serious damage to property; or
- (c) causes a person's death; or
- (d) endangers a person's life, other than the life of the person taking the action; or
- (e) creates a serious risk to the health or safety of the public or a section of the public; or
- (f) seriously interferes with, seriously disrupts, or destroys, an electronic system...

(3) Action falls within this subsection if it:


- (a) is advocacy, protest, dissent or industrial action; and
- (b) is not intended:
 - (i) to cause serious harm that is physical harm to a person; or
 - (ii) to cause a person's death; or
 - (iii) to endanger the life of a person, other than the person taking the action; or
 - (iv) to create a serious risk to the health or safety of the public or a section of the public.

...

Nairobi, Kenya, 21 September 2013

The Attorney-General's Department advises that the Prime Minister could be satisfied that the armed assault at the Westgate Shopping Mall in Westlands, Nairobi, Kenya that commenced on 21 September 2013 comes within the definition of 'terrorist act' in section 100.1 of the Criminal Code.

s 7(2A)(b)



This action resulted in at least 68 deaths, including at least one Australian, and a number of injuries.

~~PROTECTED~~



PRIME MINISTER

Reference: B13/1783

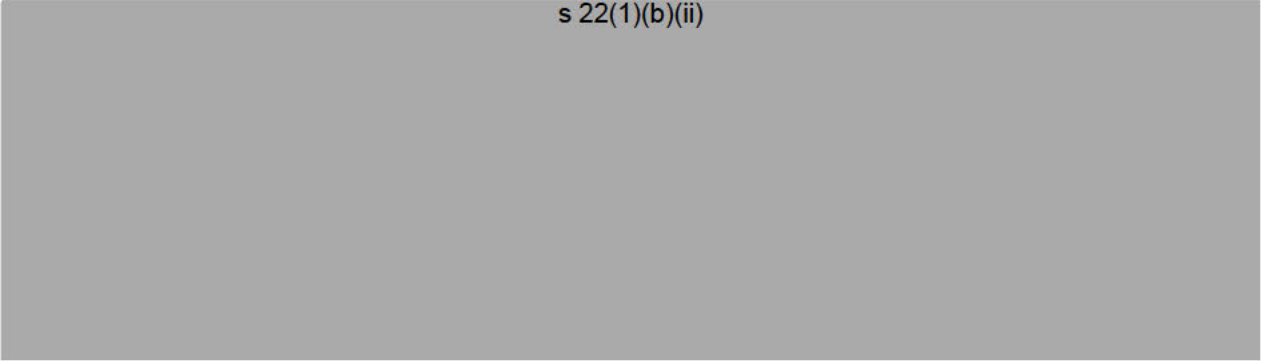
Senator the Hon George Brandis QC
Attorney-General
Parliament House
CANBERRA ACT 2600

Dear Minister 

I am writing in relation to the activation of the Australian Victim of Terrorism Overseas Payment (AVTOP) scheme for victims of the recent Nairobi incident.

Following advice from your Department, I am satisfied that the terrorist incident at the Westgate Shopping Mall in Nairobi, Kenya on 21–24 September 2013 meets the definition of a terrorist act under section 100.1(1) of the Criminal Code and have activated the AVTOP scheme for this event. I have attached a copy of the signed declaration.

s 22(1)(b)(ii)



I have copied this letter to the Treasurer, the Minister for Finance and the Minister for Human Services.

Yours sincerely
s 22(1)(b)(ii)



TONY ABBOTT

~~PROTECTED~~