



Australian Victim of Terrorism Overseas Payment Secondary Victim

(for a person 16 years and over)
January 2019 Nairobi attack

Purpose of this form



The Australian Victim of Terrorism Overseas Payment provides financial assistance to Australian residents who are a close family member of a person who died as a direct result of the January 2019 Nairobi terrorist act.

Who is eligible for assistance?

A secondary victim may be eligible for the Australian Victim of Terrorism Overseas Payment where:

- the person was an Australian resident (as defined in the *Social Security Act 1991*) at the time of the terrorist act and living in Australia, **and**
- the person and their close family members were not involved in the commission of the terrorist act, **and**
- the person is a close family member of a deceased person who:
 - was in the place where the terrorist act occurred, **and**
 - died within 2 years of, and as a direct result of the terrorist act.

The principles issued under the legislation set out what share of the Australian Victim of Terrorism Overseas Payment is to be paid to close family members in the event that more than one close family member makes a claim. For more information, see *Definition of key terms – Close Family Member* in the **Notes** (page 4).

How much will be paid?

Payment up to \$75,000 may be shared among eligible close family members.

What factors are taken into account when determining the Australian Victim of Terrorism Overseas Payment?

The following factors may be taken into account when determining a secondary victim claim:

- whether there are other persons who have made a claim for an Australian Victim of Terrorism Overseas Payment as a secondary victim in relation to the close family member, **and**
- whether the person has made a claim as a secondary victim of the terrorist act in relation to another close family member, **and**
- if the close family member was 16 years and over:
 - whether the close family member failed to take reasonable steps to avoid harm or acted recklessly when the terrorist act occurred, **and**
 - whether there was travel advice on an Australian Government website advising against travelling to the foreign country, region or place where the terrorist act occurred, **and**
 - whether the close family member was directed by an official of Australia or a foreign country to leave or not go to the place where the terrorist act occurred, **and**
 - whether the close family member was in the place where the terrorist act occurred:
 - for a humanitarian purpose, **or**
 - on official business for the government of the Commonwealth, a state or territory, **and**
- whether the person, other secondary victims or the close family member has received financial assistance from a foreign country, **and**
- whether the close family member received an Australian Victim of Terrorism Overseas Payment as a primary victim.

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How long do I have to claim?

To receive the Australian Victim of Terrorism Overseas Payment:

- the close family member must have died **within 2 years** from the date of the terrorist act, **and**
- you must lodge your claim **within 12 months** of the date of the death of the close family member who has died as a direct result of the declared overseas terrorist act.

For details of closing dates, go to servicesaustralia.gov.au/disaster

How will payments be made?

Payments will be made to a bank, building society or credit union account held in your name. A joint account is acceptable. If you do not have an account, please contact Services Australia on **1800 040 226** about alternative arrangements. If you are outside Australia, call (+61 3) **9250 5159**.

What else will I need to provide?

Before you can get paid, we may contact you and ask you to confirm your identity. If you are required to confirm your identity, you will need to provide one document from **EACH** of the categories below:

- Commencement of identity (e.g. an Australian passport, birth or citizenship certificate)
- Primary use in community (e.g. a driver licence or proof of age card)
- Secondary use in community (e.g. an ATM/bank card or educational certificate).

For a list of acceptable documents, go to servicesaustralia.gov.au/identity

If you have any difficulty in obtaining or providing these documents, you should call us on **1800 040 226** or if you are outside Australia, call (+61 3) **9250 5159**, as soon as possible.

You may also be asked to provide other information, but this will be discussed with you as your claim is assessed.

Change of circumstances

If there are any changes in your circumstances, you should call us on **1800 040 226** or if you are outside Australia, call (+61 3) **9250 5159 within 14 days** of the change(s) occurring.

Filling in this form

- **Please use black or blue pen.**
- Print in BLOCK LETTERS.
- Where you see a box like this ► **Go to 1** skip to the question number shown. You do not need to answer the questions in between.

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Returning your form

Check that all required questions are answered and that the form is signed and dated. Please make sure any accompanying documentation is also clearly identified with your name.

You can return this form and any supporting documents:

- **by post**

within Australia by sending them to:

**Services Australia
Australian Victim of Terrorism Overseas Payment
Reply Paid 7830
CANBERRA BC ACT 2610**

from outside Australia by sending them to (costs apply):

**Services Australia
Australian Victim of Terrorism Overseas Payment
PO Box 7830
CANBERRA BC ACT 2610
Australia**

For more information

Go to servicessaustralia.gov.au/disaster or call us on **1800 040 226** or if you are outside Australia, call (+61 3) **9250 5159**.

We can translate documents you need for your claim or payments for free.

To speak to us in other languages, call **131 202**.

Note: Call charges may.

If you have a hearing or speech impairment, you can contact the **TTY service** on Freecall™ **1800 810 586**. A TTY phone is required to use this service.



Family and Domestic Violence

If you are affected by family and domestic violence call us on **132 850** between 8:00 am and 5:00 pm (local time) Monday to Friday and ask to speak to a social worker or for more information go to servicessaustralia.gov.au/domesticviolence

Call **000** if you are in immediate danger.

Definition of key terms **Close Family Member**

The following are a person's close family member:

- the person's partner
- the person's child
- the person's parent (including legal guardian – see below for definition)
- the person's sibling.

Legal Guardian

Section 4 of the *Family Law Act 1975* provides:

- Guardian, includes a person who has been granted (whether alone or jointly with another person or persons) guardianship of the child under the law of the Commonwealth or of a state or territory.

The principles issued under the legislation set out what share of the Australian Victim of Terrorism Overseas Payment is to be paid to close family members in the event that more than one close family member makes a claim:

- if the deceased person's partner and/or children claim, they may share the payment
- if no partner or child claims, parents may share the payment
- if no partner, child or parent claims, siblings may share the payment.

The following table shows how the Australian Victim of Terrorism Overseas Payment is apportioned:

Apportioning payments among secondary victims

Where the secondary victim claimants are:	The portion of total Australian Victim of Terrorism Overseas Payment payable is:
A partner, and no child has made a claim	Partner: 100%
A partner, and a child or children	Partner: 50% Child or children: 50%, shared equally among the children if more than one child
A child or children, and no partner has made a claim	100%, shared equally among the children if more than one child
A parent or parents, and no partner or child has made a claim	100%, shared equally among the parents if more than one parent
A sibling or siblings, and no partner, parent or child has made a claim	100%, shared equally among the siblings if more than one sibling

For a set of scenarios showing how Australian Victim of Terrorism Overseas Payment is apportioned for each of the above close family member relationships, go to servicessaustralia.gov.au/disaster

Continued

Direct Result (Died)

For the purposes of the assessment of Australian Victim of Terrorism Overseas Payment claims, the following elements are to be considered when assessing whether a person **died as a direct result**:

- the person was killed by the terrorist act, **or**
- the person's death would not have occurred but for the terrorist act including:
 - being unable to seek medical attention due to the terrorist act, **or**
 - the terrorist act aggravated an existing condition which caused death
- on the balance of probability, their death resulted from the terrorist act, **or**
- the person went missing following the terrorist act and is presumed dead as a direct result of the terrorist act.

Financial Assistance

For the purposes of the Australian Victim of Terrorism Overseas Payment, financial assistance refers to:

- the amount of any financial assistance received from a foreign country for the death of the deceased person (other than financial assistance for economic loss resulting from the deceased person's death) by:
 - the secondary victim, **or**
 - any other person who has made a claim as a secondary victim in relation to the deceased person and who is entitled to a share
- the amount of any financial assistance received from a foreign country by the deceased person for injuries suffered by the deceased person as a direct result of the terrorist act (other than financial assistance for economic loss resulting from the injury), **or**
- the amount of any Australian Victim of Terrorism Overseas Payment received by the deceased person as a primary victim.

In the place

For the purposes of this payment, 'in the place where the declared overseas terrorist act occurred' means:

- in close proximity to the place where the terrorist act occurred, **and**
- witnessed the terrorist act first hand.

A person is in close proximity to the place where the terrorist act occurred if they were close enough to be physically injured or killed by that act.

Witnessing the terrorist act first hand means being present, and personally seeing or perceiving the terrorist act direct from the original source.

People who went to the place where the terrorist act occurred immediately following the act to assist victims are considered to be '**in the place**' for the purposes of Australian Victim of Terrorism Overseas Payment. This would include arriving at the scene of the act before the victim was moved to another location.

Being '**in the place**' would not include witnessing or participating in events that might follow a declared overseas terrorist act, such as (**but not limited to**):

- travelling to the place to locate close family members or others, **or**
- seeing debris and property damage resulting from the terrorist act, **or**
- providing first response services in an official capacity, **or**
- dealing with the police, medical authorities or Australian Embassy or Consular officials.

Continued

Involved in the commission of the terrorist act

For the purposes of the Australian Victim of Terrorism Overseas Payment, a person was involved in the commission of the terrorist act if the person:

- aided, abetted, counselled or procured the terrorist act, **or**
- induced the terrorist act, whether through threats or promises, or otherwise, **or**
- was in any way (directly or indirectly) knowingly concerned in, or a party to, the terrorist act, **or**
- conspired with others to effect the terrorist act.

Terrorist Act

For the purposes of the Australian Victim of Terrorism Overseas Payment, the terrorist act refers to the overseas terrorist acts declared by the Prime Minister of Australia.



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1 Do you need an interpreter when dealing with us?

This includes an interpreter for people who have a hearing or speech impairment.

No Go to 4

Yes Go to next question

2 What is your preferred spoken language?

3 What is your preferred written language?

4 Are you claiming for the **January 2019 Nairobi attack** –
The terrorist act that occurred at the DusitD2 hotel complex in Nairobi, Kenya, from approximately 2:30 pm on 15 January 2019 to approximately 10:00 am on 16 January 2019?

No You may not be eligible – Please go to servicesaustralia.gov.au/disaster for information on the terrorist acts for which you can claim payment.

Yes Go to next question

5 Are you a close family member of a person who died as a direct result of the terrorist act?

No You may not be eligible – Please see *Definition of key terms – Close Family Member* in the **Notes** (page 4), for more information.

Yes Go to next question

6 Please read this before answering the following question.

A terrorist act can impact on you physically and/or emotionally. Our social workers may be able to provide support and/or referral(s) to assist you.

Would you like one of our social workers to contact you?

No

Yes

7 Do you have a Centrelink Reference Number?

No Go to next question

Yes Your Centrelink Reference Number (if known)

 - - -

8 Your name

Mr Mrs Miss Ms Other

Family name

First given name

Second given name

9 Have you been known by any other name(s)?

Include:

- name at birth
- name before marriage
- previous married name
- Aboriginal or skin name
- alias
- adoptive name
- foster name.

No Go to next question

Yes Give details below

Other name

Type of name (e.g. name at birth)

If you have more than one other name, provide a separate sheet with details.

10 Your gender

Male

Female

11 Date of birth

 / / 

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12 How can we contact you?

Residential address

State/Territory	Postcode
Country	

Postal address (if different to above)

State/Territory	Postcode
Country	

Phone number

()

Please read this before answering the following questions.

If you provide an email address or mobile phone number, you may receive electronic messages (SMS or email) from us. To read the Terms and Conditions, go to servicesaustralia.gov.au/em or visit one of our service centres.

To help us serve you better, please provide your mobile number

Note: If you are lodging this claim from outside of Australia you will need to include the country and area code for the mobile number.

Mobile phone number

Email

@

13 What is your country of birth?

14 Please read this before answering the following question.

'Permanently' means you normally live in Australia on a long-term basis. Holidays or short trips outside Australia would not affect this.

At the time of the terrorist act, were you living in Australia permanently?

No You may not be eligible – Please go to servicesaustralia.gov.au/disaster for more information on eligibility for this payment.

Yes What date did you start living in Australia?

 / /

15 At the time of the terrorist act, what was your country of citizenship?

Born in Australia Go to 18

Australia Date citizenship commenced

 / /

Go to 18

Other Country of citizenship

16 At the time of the terrorist act, what type of Australian visa did you hold?

Permanent Go to next question

Temporary Go to next question

New Zealand passport (Special Category visa) Go to next question

Unknown (e.g. arrived on parent's passport) Go to 18

17 Your visa details

Visa sub class

Date visa granted

 / /

18 Do you have a current partner?

No Go to 27

Yes Go to next question

19 Does your partner have a Centrelink Reference Number (CRN)?

No Go to next question

Yes Your partner's Centrelink Reference Number (if known)

 - - -

20 Your partner's name

Mr Mrs Miss Ms Other

Family name

First given name

Second given name

21 Has your partner been known by any other name(s)?

Include:

- name at birth
- name before marriage
- previous married name
- Aboriginal or skin name
- alias
- adoptive name
- foster name.

No Go to next question

Yes Give details below

Other name

Type of name (e.g. name at birth)

If your partner has more than one other name, provide a separate sheet with details.

22 Your partner's gender

Male

Female

23 Your partner's date of birth

24 Does your partner live at the same residential address as you?

No Go to next question

Yes Go to 26

25 Your partner's residential address

<input type="text"/>	
<input type="text"/>	
<input type="text"/>	
State/Territory	Postcode
<input type="text"/>	
Country	

26 Do you give permission for your partner to discuss details about your claim?

No

Yes

27 What was your relationship to the deceased person?

For more information, see *Definition of key terms – Close Family Member* in the **Notes** (page 4).

Partner

Child

Parent or Legal Guardian

Sibling

28 Details of all close family members of the deceased person

1 Name

Date of birth

Relationship to the deceased person

2 Name

Date of birth

Relationship to the deceased person

3 Name

Date of birth

Relationship to the deceased person

4 Name

Date of birth

Relationship to the deceased person

If there are more than four close family members, provide a separate sheet with details.

29 Details of the deceased person who died as a direct result of the terrorist act

Deceased person's name

Mr Mrs Miss Ms Other

Family name

First given name

Second given name

Deceased person's gender

Male

Female

Deceased person's date of birth

/ /

Deceased person's place of birth

Deceased person's date of death

/ /

Deceased person's place of death



Provide evidence that the deceased person died as a direct result of the terrorist act. (For example, Medical Certificate, Death Certificate, Police Report etc)

30 What was the deceased person's country of citizenship?

31 Did the deceased person hold a passport?

No **Go to 33**

Yes *Go to next question*

32 Give details of all passports the deceased person held (if known)

1 Passport number

Country of issue

2 Passport number

Country of issue

3 Passport number

Country of issue

If you need more space, provide a separate sheet with details.

33 What was the purpose of the deceased person being in the place where the terrorist act occurred?

Holiday

Business

Other **Give details below**

34 Was the deceased person an Australian resident?

No **Go to 37**

Yes *Go to next question*

35 When did the deceased person leave Australia to start their travels?

/ /

36 When did the deceased person arrive in the place of the terrorist act?

Same as question 35

Other **Date arrived in the place**

/ /

37 Did the deceased person receive any financial assistance from a foreign country for injuries suffered as a direct result of the terrorist act?

This does not include financial assistance for economic loss resulting from their injury.

No Go to next question

Not sure Go to next question

Yes Give details below

How much was paid	When was it paid
\$ <input type="text"/>	<input type="text"/> / <input type="text"/> / <input type="text"/>
Who paid it	
<input type="text"/>	
Name of payment / what it was paid for (e.g. funeral, flights)	
<input type="text"/>	

38 Have you received any financial assistance from a foreign country in relation to the death of the deceased person as a direct result of the terrorist act?

This does not include financial assistance for economic loss resulting from the deceased person's death.

No Go to next question

Not sure Go to next question

Yes Give details below

How much was paid	When was it paid
\$ <input type="text"/>	<input type="text"/> / <input type="text"/> / <input type="text"/>
Who paid it	
<input type="text"/>	
Name of payment / what it was paid for (e.g. funeral, flights)	
<input type="text"/>	

39 Where do you want your payment made?

Payments must be made to a bank, building society or credit union account held in your name. A joint account is acceptable.

I do not have a bank, building society or credit union account

If you do not have an account you will need to contact us on **1800 040 226** about alternative arrangements. If you are outside of Australia, call **(+61 3) 9250 5159**.

Go to next question

The Australian account
nominated below

The account outside
Australia nominated
below

Australian account

Name of bank, building society or credit union

Branch number (BSB)

Account number (this may not be your card number)

Account held in the name(s) of

Account outside Australia

Name of bank, building society or credit union

Branch where the account is held

Bank Identifier Code (BIC)/SWIFT

International Bank Account Number (IBAN) or Account Number

Account held in the name(s) of

40 Do you want another person or organisation to enquire or act on your behalf when dealing with us?

No Go to next question

Yes



You will need to complete and return an **Authorising a person or organisation to enquire or act on your behalf** form (SS313). If you do not have this form or want more information about nominee arrangements, go to servicesaustralia.gov.au/nominees

Go to next question

41 Checklist

Please tick what information has been provided with this claim. If verification documentation is not provided with this claim it will need to be provided **within 14 days**.

All questions on this claim have been completed

You may need to provide identity documents.
For a list of acceptable documents, go to servicesaustralia.gov.au/identity

Medical evidence confirming that your close family member died as a direct result of the terrorist act.
(required at **question 29**)

Authorising a person or organisation to enquire or act on your behalf form (SS313)
(if you answered Yes at **question 40**)

Privacy notice

42 You need to read this

Privacy and your personal information

The privacy and security of your personal information is important to us, and is protected by law. We need to collect this information so we can process and manage your applications and payments, and provide services to you. We only share your information with other parties where you have agreed, or where the law allows or requires it. For more information, go to servicesaustralia.gov.au/privacy

43 Declaration

I declare that:

- I have read the privacy notice on this page.
- the deceased and my close family members were not involved in the commission of the terrorist act.
- the information I have provided in this form is complete and correct.

I understand that:

- Services Australia can make relevant enquiries to make sure I receive the correct entitlement.
- information is likely to be collected from, and disclosed to, Australian Government agencies including the Department of Home Affairs, Department of Foreign Affairs and Trade, Australian Federal Police, Department of Health, Australian Taxation Office, other organisations that offer or coordinate assistance overseas.
- Services Australia may request evidence to support any claims made on this form.
- I must tell Services Australia of any changes to this information **within 14 days**.
- any overpayment will be recovered.
- giving false or misleading information is a serious offence.

Authorisation

I authorise:

- Services Australia to collect and use relevant information about me,
- Services Australia to use and disclose relevant information it currently holds about me, in customer records,
- the other Australian Government agencies, organisations, and persons referred to above to disclose relevant information about me to Services Australia,
- Services Australia to disclose relevant information about me to the Australian Government agencies, organisation and persons referred to above,

for the purposes of assessing my eligibility for the Australian Victim of Terrorism Overseas Payment.

Your signature

Date

Office Use only	SO Logon ID		
Identity type			
Serial number			
Issue date	/ /	Expiry date	/ /
State of issue		Country of issue	
Original document sighted and returned <input type="checkbox"/>			