

**BALI BOMBING — UMAR PATEK**

*Motion*

**HON SOPHIA MOERMOND (South West)** [10.04 am] — without notice: I move —

That this house condemns the Indonesian government in the strongest possible terms for the possible impending release of terrorist and murderer Umar Patek (Hisyam bin Ali Zein), the maker of the Bali bomb that killed 202 people, including 88 Australians, 16 of whom were from Western Australia.

I understand that the first motion I have brought before the house today might be a surprise to some people as it is not necessarily a very Legalise Cannabis WA Party sort of topic. However, the ethos of the Legalise Cannabis WA Party is that everybody should be safe, everybody should receive justice and everybody should have the right to be happy and healthy. After recent reports that the Indonesian authorities were considering the release of terrorist Umar Patek, the man convicted of making the Bali bombs that killed and injured so many Australians, I thought it important that this Parliament said something to honour the memories of the lives lost—202 in total; 88 of them Australian and 60 from WA—and to express the outrage that so many have at this possible decision, which is one that I hope the Indonesian government will put the brakes on. Anyone in the house who saw the interview that was recently released in the media showing Mr Patek and his prison governor talking and laughing about how he has been deradicalised and was looking forward to early release might absolutely share that outrage.

On 12 October 2002, in the popular tourist district of Kuta in Bali, Indonesia, members of the violent group Jemaah Islamiyah, to which Mr Patek was aligned, detonated bombs in two nightclubs, killing 202 people. Umar Patek, without whom the entire terror attack would not have taken place, was eventually arrested and convicted. He was spared the death penalty and sentenced to 20 years in prison for his part in the horrific attack. Just over a month away from the twentieth anniversary of the bombings, this person is set to be granted release because in this short time, he has apparently been deradicalised—something I doubt. It is a slap in the face for all the families who lost loved ones there. It is re-traumatising for them and the victims who survived this nightmare. If his release goes ahead, it will be a disgraceful decision and one that we should condemn the Indonesian justice system for. We should urge the Attorney General of Indonesia to do something about it, just like we have done here from time to time for cases in Australia.

There will no doubt be some in this place who feel that we do not have the right to tell another country what to do or to meddle in another country's affairs. Although I can absolutely understand that sentiment, and I agree with it to an extent, I think we should be allowed to speak in this place about appropriate justice.

I also agree with shadow foreign minister Simon Birmingham, who said —

... it's not at all unreasonable to expect ... on behalf of all Australians who are outraged and all of those around the world who felt the pain and the outrage from the Bali bombings nearly 20 years ago, that those who were tried, convicted and sentenced should serve their full sentences.

He urged, as I do, Prime Minister Anthony Albanese to make representations to the government of Indonesia to ensure that Umar Patek is not released. The Prime Minister himself has said that his release would have a devastating impact on the families of victims. Although I would like to see this man remain in prison for what he did to our fellow citizens, I am by no means meddling in another country's internal affairs; I am simply expressing my shock at the possible early release of this man. It is not justice, whether we are Australian or Indonesian.

The bombing took a devastating emotional toll on so many in Western Australia, particularly the Kingsley Football Club here in Perth, which lost seven players in the blasts—seven young men and seven devastated families. For the record, those young men's names are Corey Paltridge, Dean Gallagher, Jason Stokes, Jonathon Wade, David Ross, Anthony Stewart and Byron Hancock. Upon the announcement of the news that Mr Patek may be released, the club's former captain Phil Britten, who was severely injured in the bombings, said he was appalled by the decision. I quote —

“Who gets to take so many lives away and just because they've been well behaved gets such a reduced sentence and go back out to the community ... It's disgusting how it has to happen now, it's terrible.

“We are victims again, victims of the Indonesian justice system, it never goes away.”

Perth mum June Corteen's 41-year-old twin daughters, Jane and Jenny, were killed in the attack. When she heard the news, she said that it brought a tear to her eye —

... I can't see how they could believe that he won't do it again ... a leopard can't change its spots. I'm just so disappointed that they're going to let him out ...

There is a memorial on a ridge at Mt Eliza in Kings Park that lists the names of the victims of the bombings from WA. It overlooks the city just across the way from here; I am sure many in this place have been there. The memorial is a special place for those affected by this tragedy. It is specifically designed to frame the sun's rays at dawn on

12 October each year. It also faces in the exact direction of Bali. I hope to be there with the families and others when the twentieth anniversary arrives in a few weeks' time. It will be a sad occasion that will be made even sadder if this release happens and further tortures the loved ones of those who died and those who still survive. Mr Patek's victims paid with their lives and he gets 10 years. The families of those left behind are serving the sentence of grief—a grief that has been shockingly brought back to life by this news, when many experienced closure with the appropriate sentencing.

We should stand up as a Parliament and let the government of Indonesia know that we find this decision unacceptable, and that Western Australians stand with the families of those who lost loved ones because of this heinous terrorist attack, and those who survived, whose scars may never heal. Thank you.

**HON SUE ELLERY (South Metropolitan — Leader of the House)** [10.12 am]: I want to start by making a point and issuing a word of caution. We do not conduct foreign affairs through non-government business on a Thursday morning in the Legislative Council of the Parliament of Western Australia. Foreign affairs is conducted nation to nation, as it always has been and should be. Although I think the honourable member is trying to, in her words, honour those who died, the motion goes beyond that. I issue a word of caution to other members about the language, in future. When members think that the Legislative Council of the Parliament of Western Australia needs to at all debate matters that fall within the realm of foreign affairs, they should think about the language that they use. I say a word of caution to others who might try to go down this path.

Nevertheless, in October 2002 there was a cowardly bomb attack that resulted in the loss of 88 Australian lives. Of those who died in the abhorrent Bali bombings, 16 were Western Australians. There are many Western Australians who have kept alive the memories of those whose lives were lost, including the Kingsley Football Club, which had more than its fair share of the loss of lives, and many others across Western Australia. Both the former state government and this state government have provided funding over the years for the work of the Bali Peace Park Association, and the Premier has flagged that planning is underway for a special twentieth anniversary service to be held in Perth later this year.

In respect of the prospective early parole of the Bali bomber, there is no doubt that this will add to the trauma of the victims and their families, and we understand how distressing this is for them. I note the comments made, appropriately by the Prime Minister of Australia, when this was first published. Prime Minister Albanese said —

“It's not just about the 88 people, we are talking about thousands of people who have been impacted with trauma, who have lost loved ones.

“There have been reductions before, in the past, of the original sentence of this person. A further five months is obviously not something that Australia wanted to see happen.

“We continue to make diplomatic representations in Australia's interest.

“We'll continue to do that across a range of issues relating to security and relating to sentences, including the sentences of Australians who are currently being kept in Indonesia.”

As a state, we will always acknowledge this horrible terrorist attack and the effect it has had on both Western Australians and the Balinese people. Western Australians taken from their families and friends on that day will not be forgotten.

**HON TJORN SIBMA (North Metropolitan)** [10.16 am]: In addressing this motion, I want to echo the word of sensible caution expressed by the Leader of the House. This is not the chamber in which to conduct foreign policy. My issue with the motion, however, is not so much in the way that it is expressed; it is that an opportunity has been missed, I think, to honour the memory of the 202 victims of that terrorist incident, the 88 Australian lives who were lost and the 16 Western Australian lives who were lost.

Both Hon Sophia Moermond and Hon Sue Ellery have mentioned the enormous burden of loss sustained by the Kingsley Football Club. I am a sponsor of the Kingsley Football Club. My electorate officer Amanda McIlroy is a long-term official of that club. Her son Brad McIlroy is a survivor of that incident. He went with 19 clubmates and friends to enjoy an end-of-season trip to Bali, a rite of passage that is enjoyed Australia-wide by young people at the end of the season. Seven of his mates did not come back. I will read in their names because I think that if there are names that deserve to live in perpetuity through *Hansard*, it is their names, and not the name mentioned in this motion. They are Anthony Stewart, Jason Stokes, Corey Paltridge, David Ross, Byron Hancock, Dean Gallagher and Jonathon Wade. They were young men between the ages of 18 and 31 years, who, if they had been permitted to live, would now be fathers, possibly even grandfathers. They would have enjoyed their lives and they would have shared their lives with the families and friends who mourn their loss unto this day. The extraordinary reach of the savage, cowardly, criminal terrorist incident, however, was not contained to that small number of victims. The consequences of that event continue to reverberate unto this day in those clubrooms and beyond, and this is a particularly sensitive time as we approach the twentieth anniversary.

I should also acknowledge the subsequent passing in recent years of two of the survivors, Adam Nimmo and Laurie Kerr. Their memories should also be honoured.

I want to use this opportunity to convey a brief vignette of the event. I have taken this from the Kingsley Football Club website. Please feel free to read it. It is a story called “‘For the boys’ Bali October 12, 2002”. I want to read an excerpt of this because I think it encapsulates the character of these young men. This was immediately in the aftermath of the event —

The Kingsley footy club survivors were offered the opportunity to fly straight home from Bali. They chose to stay and search for their seven missing teammates, hoping against hope that they would be found alive in a Hospital somewhere. When this failed they searched the morgues looking for the bodies of their mates until they realised after a few days that they had searched everywhere and could do no more.

The eleven remaining survivors refused to fly home separately saying they came as a team and would return as a team.

What character, what courage and what honour was shown by a group of young blokes who should have been enjoying themselves. It is to their memory that I dedicate this contribution. I feel the anguish of the survivors across the world but particularly at home.

The potential release of one of the people responsible for their loss cannot be imagined, but rather than condemn the Indonesian government for a decision it has not yet made, I would prefer to humble myself in front of it and beg it not to. I understand that the release is being considered or reconsidered. The decision will be the decision, as unfortunate as that is. I also want to use this opportunity to highlight the fact that Indonesia is a strong partner of Australia. Indeed, it was the relationship formed between the Australian Federal Police and its Indonesian counterparts that led to the charging of those responsible. The Indonesian government is a partner in bringing these people to justice and in keeping people safe. I will not disparage the government, nor condemn it. That will bring no comfort to anyone, and it will achieve absolutely nothing.

When people come into this chamber, they have a certain responsibility. They have a responsibility to use their judgement and to not just take a series of vignettes of topical news stories and cobble them together in a motion that will effect no change, bring no healing and bring no resolution. I will leave it there.

**HON DR BRIAN WALKER (East Metropolitan) [10.23 am]:** I have to say, at the very outset, that I appreciate the contributions of all here concerned. The very moving contribution by Hon Tjorn Sibma was much appreciated, and I think it can be reflected on by all of us here.

What the Legalise Cannabis WA Party stands for is actually justice—social justice. We make this call within this country and beyond our borders. We stand for fairness. We stand for that which is right. Other countries have their own laws, so can we impose our will on other countries? No, just the same as other countries cannot impose their laws on us. But we can express our views. We have standards. I recall singing in church as part of the Hong Kong Welsh Male Voice Choir at the funerals for many of those who failed to return from Bali. The tears flowed freely. It is very difficult to sing Welsh hymns when the tears are flowing down your cheek. It reflected the huge loss of international members of Hong Kong society, as well as those from Australia. It was not tolerable or civilised. What bothers me is reflected in both Indonesia and Australia. This was based on a religious idea that someone can kill people because they do not fit in with their particular way of thinking or they can force people to abide by a particular religious morality. We saw the same thing happen in Sydney when that man took over that cafe and murdered people until he was killed by the police.

I want to quote the first parts of the prayer that Sunni Muslims recite five times a day: *Bismillah, ar-Rahman ar-Rahim*, or in the name of God, the merciful. Mercy is a quality that is not always present, is it not? I remember very much the travails of those sad Australians who were arrested for trafficking drugs, the penalty for which was death. Despite having served eight years in prison and having been, as they said, completely rehabilitated—in fact, one became a pastor—they were shot while singing a hymn in praise of God. Another man of another religion who killed 202 people has also been rehabilitated in prison but is being freed. There is a disparity. There is a disconnect. It is something that we, as individuals, should be free to express when we are dealing with our major trade partner in South-East Asia. We ought to be able to express that which is unacceptable, without expecting that they will do what we wish. That is unreasonable.

There is a pattern here that Australians ought to be aware of. We know who killed the Balibo five. We know it was completely unjust and nothing was done, yet we are still giving South-East Asia and East Asia over \$1 billion in aid, a substantial chunk of which is going to Indonesia. We can look at Irian Jaya, where the Dutch left their colonial possessions after World War II. The Indonesians took those claims immediately. We can look at East Timor from recent times. Irian Jaya, which has nothing at all to do with Indonesia as such, was one of those countries that was ruled by a colonial state, and we supported that. We are the world’s fourth largest contributor to Indonesia. It is something we ought to have a word in, but I will go further than this and say that if we are not looking after

Australian lives in Indonesia, we ought to be focusing very hard on putting it across at a federal and state level that our people matter.

I will bring up the name of Julian Assange, which again is a federal matter and I am aware it is totally inappropriate to raise here, but it needs to be mentioned in this context. We are dealing with how we are looking after our own. As a state, we ought to be putting to Canberra that this is an area that we are concerned about. I would be sad if we were not concerned, but I feel that we are concerned. I support the motion. I appreciate the very valid points that have been made and I support them, but we ought to say and, indeed, do something.

**HON SOPHIA MOERMOND (South West)** [10.28 am] — in reply: I very much appreciate the contributions made by Hon Sue Ellery, Hon Tjorn Sibma and my colleague Hon Dr Brian Walker. I welcome their insight and opinions. Thank you.

Motion lapsed, pursuant to standing orders.