



Senator Steve Fielding
Family First Leader

Second Reading Speech

Britt Laphorne Bill 2009

17 September 2009

(10:13 AM) —I move:

That this bill be now read a second time.

I seek leave to have the second reading speech incorporated in *Hansard*.

Leave granted.

The speech read as follows—

Tomorrow, it will be the one year anniversary since Britt Laphorne, the fun loving Melbourne backpacker went missing in Dubrovnick, Croatia.

As many people in this chamber would know all too well, Britt's body was found just under 3 weeks later, badly decomposed and floating out at sea.

It was a crime which shocked everyone in this nation because of both its horrific nature and also because the details still continue to remain largely a mystery, with the perpetrators still continuing to roam free.

The tragic events and the obvious pain which Britt's family have been forced to go through are every parent's worst nightmare. And it's a nightmare which Britt's parents, Dale and Elke together with Britt's brother Darren are forced to live with every day.

I remember clearly when Britt went missing. I was in Croatia around the time when Britt went missing and have stayed in contact with Dale and Elke during the past 12 months. I have seen up close how hard it has been for them to lose their daughter and all the pain which they have had to endure.

But besides the obvious pain felt by Britt's family at losing a daughter and sister, what has also hurt deeply for them has been the fact that initially they were not contacted until 6 days after Britt was first reported missing.

That's 6 vital days which were lost in searching for Britt. It's 6 vital days that were lost in putting pressure on the Croatian police to look into this matter seriously so that perhaps a different outcome could have occurred. We may never know the details of this

tragic crime and whether Britt's death could have been prevented if the authorities had started investigating the matter earlier, but it is clear that the likelihood of Britt's family ever seeing justice done quickly evaporated each day that they were left unaware of their daughter's disappearance.

For 6 days, Australian officials were aware that Britt Laphorne had gone missing and didn't tell Britt's family. One of the reasons given for this delay in notifying Britt's family was due to privacy concerns.

Quite frankly, as far as I'm concerned, this was an embarrassing mistake and the issue of privacy considerations just isn't an excuse. If a 21 year old girl goes missing in a foreign country under suspicious circumstances, her family ought to be contacted immediately, not only after 6 days once the Croatian Police have finally decided to list her as an official missing person.

The Bill that I have put forward would ensure that this terrible mistake would never occur again. Under the Bill, called the Britt Laphorne Bill, this would make sure that families of Australians reported missing overseas are told immediately and are provided with essential help to do all that is possible to help increase the chances that they are safely found. It removes the red tape so that precious time can be used more efficiently in actually locating the missing person rather than wasting this time going through hoops just to make sure there is permission to contact the family.

This Bill makes it clear that nothing in the Privacy Act would prevent the Department of Foreign Affairs and Trade from telling someone that their family member has gone missing should this occur. The Government should not be allowed to hide behind privacy concerns for their failure to take immediate action. This Bill makes the Government accountable and gives them no excuse to delay speedy assistance.

There is also an opt out provision contained in the Bill which allows someone to request that the department not contact their family in the event that they are reported missing. This provision has been included to help alleviate any privacy concerns that some people may have in relation to this bill and ensures that everyone who goes missing and wants their family to be contacted is able to have that done.

The Britt Laphorne Bill also requires the Australian Government to offer all reasonable assistance to family members of those missing overseas in helping to locate the missing person and to also regularly report on the measures it is taking to improve international agreements to locate Australians missing overseas.

Australians have a right to expect their Government to do everything in its power to ensure their safety, and while the Government may be more limited in what it can do when they head overseas, they still expect their Government to do all it can to look after them.

When an Australian person goes missing, this needs to be a top priority for the Australian Government and this bill effectively puts that policy into law.

We need to change the way that the Government responds when an Australian goes missing overseas. We shouldn't allow any other family to through the hell and the horror that the Laphorne family had to go through when Britt went missing.

The Britt case also highlighted the need for international agreements with other countries on how to handle missing persons. We all know there were huge issues surrounding how the Croatian Government and their police handled this case.

Creating international agreements with countries such as Croatia would go a long way to ensuring that when things go wrong, we have an agreement we can rely on to make sure that the overseas country takes the investigation seriously and devotes adequate resources to pursuing the criminals.

When Britt went missing, Australia had no agreement with Croatia. An agreement would mean that when an Australian goes missing there are agreed procedures and expectations of what must be done to try and find them.

As tragic as the death of Britt Laphorne has been, it will be an even greater tragedy if we learn nothing from this and allow situations like this to occur again in the future where are family if left unaware that their child is missing in a foreign country.

Senator FIELDING —I seek leave to continue my remarks later.

Leave granted; debate adjourned.