



COMMONWEALTH OF AUSTRALIA

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CORRECTIONS

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Facsimile:	Senate	(02) 6277 2977
	House of Representatives	(02) 6277 2944
	Main Committee	(02) 6277 8368

BY AUTHORITY OF THE SENATE

PROOF

form to oversee the government's implementation of these policies would be welcome. (*Time expired*)

Senator SCULLION (Northern Territory) (5.31 p.m.)—I have to say that it is with some sadness that I rise today. I was hoping to stand in this place and with some enthusiasm support a bipartisan approach to what are probably some of the most significant changes that have been made to the management of Aboriginal affairs in over 30 years. Many of the government members have probably shared the view that these reforms were well overdue, but we had to wait until that white gold wielder Mr Latham appeared with what is now seen as completely conventional wisdom. He shared our views. He said that ATSIC should be abolished. He said:

ATSIC is no longer capable of addressing endemic problems in Indigenous communities. It has lost the confidence of much of its own constituency and the wider community.

I think that makes it absolutely clear. Of course, the majority report does not reflect the leader of the Labor Party's commitment at that time—an election commitment—nor does it reflect the sentiment of the government members. How could we possibly support a majority report that is so blatantly hostile and so blatantly political? I would have loved to have stood in this place and supported a bipartisan approach to this very important issue for first Australians. In fact, if you looked at the report, you could mistakenly think that ATSIC is absolutely fantastic, outcomes are great and it could carry on with a steady hand on the tiller. We know that demonstrates that the Labor Party is not only out of step with Indigenous Australians but out of step with the wider community.

I am actually very proud of the federal government's contribution to Indigenous affairs. Since 1996, we have increased our financial contribution by about 39 per cent. I know you would agree, Madam Acting Deputy President Crossin, that that is not the only benchmark. There is a whole range of other real improvements that I think we need to look at.

Labor has dragged us through this inquiry. I am not sure of the exact cost but you can measure it in millions. The wages and the cost of running the regional councils and in fact ATSIC itself are measured in the millions. Luckily, we had the administrative capacity to simply get on with the job. That is what this government is about: getting on with the job. We got the reforms under way. Indigenous programs have been embargoed—they have been cocooned—protecting the essential staff and the cultural knowledge that went with those programs. They are being maintained, they have been improved and they are now being delivered by mainstream Commonwealth agencies.

We are not just doing the same thing and expecting a different outcome, because we know that is madness; it never happens. We have to change how we go about it.

We are going about it in a much more coordinated way. There are the Indigenous coordination centres. All the agencies come under one roof. Under one roof we can have a much more coordinated approach to Indigenous Australians and the way they approach their particular agencies. The heads of department meet every month to say: 'How do we ensure the coordination of policy happens? How do we make sure that we actually measure the outcomes of the changes that are made? We're not going to measure them every five years or even every couple of years; we are going to measure them every month. We are going to meet and measure them.' In fact, a public report each year will report on those outcomes. We have a ministerial task force, chaired by the Minister for Immigration and Multicultural and Indigenous Affairs herself, who will oversee it to ensure we have complementarity of process and policy.

This report is completely misleading. The only people who are confused are those who sit opposite. The states and territories—that is, Labor states and territories—have had a bipartisan approach to this. We are already going down the line of bilateral agreements. They are part of the COAG trials. They are part of the way forward. They are not a part of doing the same thing and continuing to politicise this issue. They are getting on with the job. After nine months, this committee is eventually going to honour its commitment, which is effectively Labor's commitment to abolish ATSIC. There are a couple of conditions, of course—unacceptable conditions, as far as I am concerned—such as, 'Let's keep the regional councils.' They gave them another 12 months to sort things out. Another six months is not going to make any difference at all.

Of course, there is the shining light in the policy. 'Let's have another committee,' said the Labor Party. 'Let's have a Senate standing committee. That will fix Indigenous affairs.' We have made a recommendation in that area that clearly indicates that we need a coordinated government approach, a whole-of-government approach. We are recommending that both houses and both sides of parliament join together in a joint committee to deal with Indigenous affairs. If those opposite are absolutely fair dinkum about positively changing the lot of Indigenous Australians, they should get behind this bill and support it in its current form. (*Time expired*)

Question agreed to.

Legal and Constitutional References Committee Report

Senator BOLKUS (South Australia) (5.36 p.m.)—I present the report of the Legal and Constitutional References Committee entitled *They still call Australia home: inquiry into Australian expatriates* together with the *Hansard* record of proceedings and documents presented to the committee.

Ordered that the report be printed.

Senator BOLKUS—I seek leave to move a motion in relation to the report.

Leave granted.

Senator BOLKUS—I move:

That the Senate take note of the report.

I am pleased to present the report of the Senate Legal and Constitutional References Committee entitled *They still call Australia home: inquiry into Australian expatriates*. The report is the result of an inquiry lasting over 18 months during which the committee received evidence on a whole range of issues relating to Australians living overseas. The response to the inquiry was considerable. The committee received submissions from over 650 individuals and organisations, many of them overseas. The committee examined the demographics of Australians living overseas and the needs and concerns of those Australians. The committee also considered the role the Australian government plays in relation to expatriates and ways in which expatriates contribute to the Australian community.

The committee learnt that a significant proportion of the Australian population is currently living overseas on a permanent or long-term basis. Current estimates are that almost a million Australians are living abroad. The committee also heard that many of these expatriate Australians are young, highly skilled, highly motivated and well educated. This has led some to fear that Australia is experiencing a brain drain of its best and brightest workers with potentially damaging consequences for the Australian economy and Australian society. In fact, the committee received evidence during its inquiry that Australia actually experiences a net brain gain of skilled workers. Most importantly, the committee received much evidence to show that these Australians living abroad are great ambassadors for Australia, creating valuable bridges for Australia across the world.

The factors driving more Australians to live overseas are many and varied. At a broad level the expatriates phenomenon is a reflection of an increasingly mobile and globalised world. Some of the key influences on the phenomenon include the rise of global labour markets, more accessible and economical international transport and increasingly more sophisticated communication technologies. At the same time, the improved technology, particularly the internet, has made it much easier for expatriates to stay in touch with Australia. As a result, the committee discovered that many expatriate Australians still feel very strong cultural links with their homeland despite being physically located outside Australia. As the title of the report suggests, they still call Australia home and they still participate in the day-to-day events of Australian society, although remotely.

In the same way that most expat Australians still embrace Australia as their home, the majority of the committee considers that we should do more as a society to embrace our expat community as part of the Australian nation. As a recent report on Australian expatriates by the Lowy Institute for International Policy remarked, Australian expatriates represent 'a market, a constituency, a sales force and an ambassadorial corps'.

The committee found during this inquiry that Australian expatriates present many potential benefits, opportunities and new considerations for Australian policy makers. In particular, we heard that many of the needs and concerns of expatriate Australians are not being adequately dealt with by the Australian government and its structures. Many expats expressed particular frustration at their dealings—or indeed their attempts to deal—with Australian government agencies. The majority of the committee found that Australian expatriates could be better recognised and included in the Australian democratic system.

To achieve these aims, some of the key recommendations that the majority of the committee has made in this report are: the establishment of a policy unit within the Department of Foreign Affairs and Trade to facilitate the coordination of policies relating to Australian expatriates; the establishment by the Australian government of a web portal devoted to the provision of information and services for expatriate Australians—a web portal that would be used for interactive activities both broadly across the globe as well as in particular locations—the revision of the consular role for Australian missions overseas to require posts to extend their engagement with the local expat community; and greater inclusion of expatriates in the Australian democratic system, including proposed amendments to the Australian Citizenship Act and the Commonwealth Electoral Act. I urge the government to heed the recommendations of the committee's report and to make greater effort to connect with this most important resource of the Australian people.

In closing, I would like to thank all those people who took the time to make submissions and to give evidence to the committee, including expatriate network organisations and many overseas based chambers of commerce and alumni associations. I would particularly like to thank the Southern Cross Group for its assistance in distributing information about the inquiry and for supplying a steady stream of comprehensive submissions and useful background information. I would also like to thank the people involved with the Lowy Institute for International Policy. I think the institute and study set the framework and directions for government to follow, many of which were shared by this particular committee and the members of it. I would like to thank my committee colleagues, includ-

ing the Deputy Chair, Senator Payne, and current and former staff of the committee secretariat for their work on the inquiry—that includes Phillip Bailey, Louise Gell, Barbara Allen, Kelly Paxman, Sophie Power, Julie Dennett, Marina Seminara and other secretariat staff. I commend the report to the Senate.

Senator TIERNEY (New South Wales) (5.43 p.m.)—I also rise to speak on the report entitled *They still call Australia home: inquiry into Australian expatriates*. Although I was not a member of the committee, I did lead a parliamentary delegation to the United Nations last year. Through the work of the office of Australian consul general, Ken Allen, and a division of that office called Advance, I came across this issue and had the chance to meet with quite a lot of former Australian citizens and Australians who are working in the United States. It is a very large group of Australians that are overseas. In terms of government policy, I think we perhaps need to grapple with better ways of interacting with this group that has left Australia, sometimes permanently, sometimes temporarily. The size of the group is about a million people—we have a million Australians overseas. That is about Adelaide in size, but they are living and working across the world. About 200,000 of them are in the United States. These people are often referred to as part of the brain drain, but they are a group that may come back. They are a group for which we should perhaps set up mechanisms to assist them in coming back. A lot of them have gone overseas following opportunities and sometimes they lose the links and cannot get back, even if they want to. They have not got the networks to do that.

They are developing their skills tremendously and if they decided to come back they would add greatly to the Australian economy. So we must really address this matter. Obviously, we are not going to force people to come back, but in the context of the current debate on skills—which is No. 1 on the agenda at the moment—if we could encourage the one million people to return quickly it would fix our skills shortage problem overnight. They will not do that, but we should set up the mechanisms to assist those who may want to. It would really enhance the skills base of our country. We have people with enormous skills who after developing those skills further could come back and with their overseas experience really enrich the skill base of Australian society.

I was therefore delighted to work with the consul general in his work with Advance. Advance is an organisation which focuses mainly on professionals overseas and tries to work them into networks and associations and build links back to Australia. The first of these I came across was the Advance research network, which was in New England. I went with the consul general to Boston and we had dinner at Harvard. I had the opportunity during the day at MIT to meet with a

very large group of world-class Australian researchers who are leading research institutes in areas like robotics. I met a robot which thought like a two-year-old and could act like a 12-year-old. It is the most advanced robot in the world and it was developed by an Australian at MIT who is leading this field.

One of the most delightful aspects of the afternoon was meeting with Australian research students studying at MIT. I spent an hour or two with them and they talked excitedly about the research that they were doing. It is great that they are at one of the world's leading universities like MIT, but I would hope that in five to 10 years time they might take that expertise, return to Australia and enrich us with what they have learnt and their experiences. Another group that I met with was a business community in New York. They were expat Australians who came along to listen to two Australian delegates speak on the topic, 'What are democracy and politics going to be like in Australia after the Senate changes on 1 July?' So it was a bit of crystal-ball gazing.

Senator Moore—What did you say?

Senator TIERNEY—You would have to read my speech, which you can find on my web site. It was an engaging discussion, with Australian politicians and diplomats engaging with Australian businessmen in New York. They are the sorts of links that we hope will help return those people to Australia at some point in the future. At another function in New York, again organised by the consul general, Ken Allen, we met with Professor Harry Messel. Professor Messel, of course, is an icon of Australian science. Through his science foundation he has spawned large numbers of brilliant scientists, many of them in the United States. Quite a number attended this dinner—all there in response to the expertise and skills of Australian science which are assisting American science and the American economy. Again, by building these links, we hope that these people come back. It is not just professionals or academics; it is a wide-ranging group of people. There are 200,000 in the United States. Through the work of Advance, links are being built so that these people may be given the opportunity to link back to Australia and possibly return in the future.

This has been a very timely report in terms of what is now occurring in the skills debate in Australia and the way in which we should link back. The recommendation to set up a web site is excellent because obviously a lot of these people are very IT savvy. If we had such a web site then we could help facilitate those links back to Australia. A policy unit in Foreign Affairs is an excellent idea, just so that we focus on this diaspora of Australians—the one million who are overseas. Certainly, I have not looked at the details of the amendments to the electoral and citizenship acts—Senator Bolkus was a little bit cryptic in his comments—but I

am sure those reforms will be very worth while as well. I too commend this report to the Senate. It is an interesting area of policy development and something we should focus on. We should really try to develop better links to those Australians who are no longer in our country but may return and enrich us all with the skills and knowledge that they have gained overseas.

Senator BARTLETT (Queensland) (5.51 p.m.)—I also want to speak on the report entitled *They still call Australia home: inquiry into Australian expatriates*. I agree with Senator Tierney that it is very timely. The Senate committee process once again demonstrates how valuable this area is. I note that the 16 recommendations were widely accepted by all senators, including government senators, in the vast majority of cases. I urge the government and senior ministers—including Senator Vanstone, seeing as she is in the chamber and has responsibility for some of the issues covered in this report, and Minister McGauran, the Minister for Citizenship and Multicultural Affairs—to treat the Senate committee report and its recommendations seriously. These areas are important and are part of what is desperately needed, which is to really change our thinking about what it is to be Australian in the modern world of the 21st century and to migrate and be part of what is widely recognised as a rapidly shrinking global community.

It is a little-recognised fact that if you ask the simple question, ‘How many Australians are there?’ you cannot get a precise answer. Firstly, how do you define what is an Australian? Even taking a simple definition and asking how many Australian citizens there are on the planet is problematic. In terms of getting a clear piece of information about how many Australians are dual citizens—citizens of Australia and another country—which I have tried to do a number of times, it is very hard to get anything other than a very general estimation. As this report shows, trying to estimate how many Australians there are overseas is also very difficult. How long do you keep counting them as Australian? If you are talking about what is in Australia’s interests, I would argue that it is in our interests and in almost all cases in the individual’s interest to continue to try and count them as Australian for as long as possible and to do what we can to maintain links.

We have been debating in recent times whether we should be getting short-term skilled workers into this country to undertake various tasks. We often do not think nearly as much about how many Australians are going overseas as skilled workers, as working holiday visa holders, as visitor visa holders or as family reunion people—all of whom are doing a similar thing but are retaining their links with Australia. We have had too narrow a focus over many years by simply thinking about people when they are standing within Australian boundaries; when they are outside of Australian

boundaries they are out of the picture. We need to change that thinking in the same way that we need to change our thinking about what constitutes a migrant to Australia. People are flowing in and out of Australia and in and out of other countries much more regularly and frequently, for periods of time—for three years, for five years, for 10 years. I think that is healthy; it is certainly happening anyway. We need to make sure that we keep those connections with people who have contact with Australia much more skilfully and consciously than we have done.

I am disappointed that I was not able to participate much in this committee inquiry. I attempted to do so as a participating member a couple of times but was not able to because of other commitments. However, I did read some of the submissions. I note that there were over 650 submissions, which is an indication of the level of interest and the number of people that not only are touched by this issue but are touched by it sufficiently significantly for them to want to put a submission in to a Senate committee.

To anybody that is further interested in this issue, I very much recommend a look at the work of Professor Graeme Hugo in particular. He has been looking at the changed nature of migration to Australia—the much more temporary nature of it—as well as the nature of emigration, of people moving out of Australia for short-term and long-term periods. I also recommend looking at the work of the Southern Cross Group, which has developed in recent times to give a voice to that very large expat community of around one million people, at reasonable estimates.

We would all know people from our own families or experience who have moved overseas for short or long periods of time. I have an aunt who I think departed Australia in the 1960s and has lived in a large number of countries and gained a lot of experience. She has lived in the US, the UK, Hong Kong, the Maldives and Cyprus and will probably end up moving back here—she is already spending a lot of time here—and contributing to the Australian economy and community with all her skills and experience. It is because of the links she has maintained with Australia that we are able to make use of that individual.

We have perhaps one of our most famous expats in Australia at the moment. I offer a big strong Aussie welcome to good old Princess Mary, who is in Canberra at present. Of course it is Princess Mary of Denmark I am speaking of, who until recently was an Australian but, I believe, had to give up her citizenship—I guess giving it up for love is an admirable thing. But clearly a lot of Australians still believe that Princess Mary retains a lot of Australianness about her even though she is no longer a citizen and believe that she is an ambassador for our country in another part of the world. Indeed, government ministers have spoken of

what a great contribution she is making as an ambassador for Australia in another part of the world and of how she is doing a good job of it. That is perhaps an unusual example, but it is one example of how an Australian or an ex-Australian can still make a positive contribution to our country. It obviously benefits us to keep those links alive.

In more practical terms, beyond changing the way we think about these issues, there are legislative changes that we need to consider. We also need to improve information flows, particularly in the areas of the Australian Citizenship Act and the Commonwealth Electoral Act. This is a group of people, as is said right at the start of this report, who are a market, a constituency, a sales force and an ambassadorial corps. But in many ways they do not have a voice. Most of them are disenfranchised. Obviously there are issues about how long people retain the right to vote when they are no longer living in the country, but we should be aware of some of the approaches taken in other countries.

People may remember—I am sure Acting Deputy President Bolkus remembers—the story of the Melbourne based Greek-born man who went all the way back to Athens to vote in the recent Greek elections even though he had lived in Australia for a long period of time. Indeed there is a growing community of Greeks who migrated to Australia decades and decades ago and are now returning to Greece, to the place where they were born. But they are returning very much as Greek Australians, not as Greeks. That is a reverse linkage, if you like: they are leaving Australia and going back to Greece but they are still retaining that linkage to Australia.

There are things we need to change with the Commonwealth Electoral Act, and also with the Australian Citizenship Act, and there are recommendations about this. Recommendations 6 and 7 say that the Citizenship Act should be amended to ensure that children of people who renounced their citizenship under section 18 of the Citizenship Act, or children of people who previously lost their citizenship under section 17, should be eligible for Australian citizenship by descent. The committee also expressed concern that Australians living overseas may continue to be forced to renounce their citizenship while section 18 remains in the Citizenship Act—

Senator Sherry—I had to do that.

Senator BARTLETT—Senator Sherry had to do that, and obviously it would have been a massive loss to the country if that had continued. I am sure he has sorted it out since and has not just given himself away. We should not be disenfranchising people. I have written to the Minister for Citizenship and Multicultural Affairs, Mr McGauran, and said that I would support those changes to the Citizenship Act.

I would also say that it is long overdue that we amend our Constitution. I know that is a lot more difficult. We have more and more dual citizens, but every one of them is disenfranchised in that none of them can run for parliament. I think that is an anachronism that must be removed as soon as possible. I know it requires a referendum but it is something that all parties would support, and need to support, because that is a massive and growing pool of talent. Perhaps 20 per cent to 25 per cent of Australians are dual citizens, and they are missing out on potentially being part of the federal parliament.

I seek leave to continue my remarks later.

Leave granted; debate adjourned.

NATIONAL HEALTH AMENDMENT (PROSTHESES) BILL 2005

Second Reading

Debate resumed.

Senator MOORE (Queensland) (6.01 p.m.)—The proposed agenda that we have before us in this legislation has not suddenly appeared; there has been significant consultation over a long period with all the relevant stakeholders. The government has instituted a range of advisory groups that are linked to this legislation: clinical advisory groups, a prostheses and devices committee, a policy advisory group, and also people who are involved directly in the negotiations. These groups will play an intricate role in the development of good policy in the area. However, once again I am concerned about the fact that these things are still in train and we are yet to see the whole process actually working as we are looking at making changes to legislation.

One of the key things to come out in this debate—as well as in so many others in this field—is the need for accurate, relevant data. The hope is that, with the development of these various advisory bodies, there will be available data on which people can make budget decisions, on which they can make planning decisions and on which the community can be informed on this ever growing area; because people do agree that the use of prostheses is growing, the technology is developing, and there is a greater expectation that people will have good health and effective surgical procedures. The Department of Health and Ageing made a statement in their submission and when they were witnesses, and we quoted it in the committee report, but I think it deserves restatement. It focuses on the need for this data. It reads:

One of the things that will happen with this process is that we will have data that we have not had before. For a start we will have the data that the CAGs, the clinical advisory groups, have put together and their assessments of the actual products. Similarly, the benefit negotiators will actually be reaching benefit negotiating positions that will go as recommendations to the Prostheses and Devices Committee and
