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**Opening Statement**  
**Inquiry into Australian Expatriates**  
**Senate Legal and Constitutional References Committee**

**Committee Hearing 29 July 2004**  
**Canberra**

Thank you Mr Chairman

First may I express our appreciation to the Senate for taking the initiative in establishing this Inquiry subsequent to a number of representations by us, and to the Committee for inviting us to appear today.

I have just given to the staff of the Committee three documents which are relevant to our earlier submissions:

- A What You Need to Know brochure titled “About the Southern Cross Group” produced as a handout at the launch for the AIC’s Expatriate Connect project that we organised at Australia House in London in June. It effectively updates the information that we included at pages 15 to 23 of our initial submission.
- Another What You Need to Know brochure “About Voting in Australia While You Live Overseas” which is now available on our website. It was prepared as a handout at a recent SCG event at Australia House and reflects the most recent changes to the *Commonwealth Electoral Act 1918*.
- An amended Appendix F for our initial submission which updates the listing of groups within the Australian Diaspora to reflect the further material that we covered in our third supplementary submission submitted last Friday in relation to citizenship issues.

First, as you will be aware, I was present throughout the Committee’s public meeting in Sydney on Tuesday of this week. I would like, if I may, to comment on some matters arising from those proceedings.

Contrary to the suggestion by one witness that we are a Euro-centric organisation we are a globally oriented, international organisation. An analysis of the 90% of those on our e-mailing list for which we have a country of location, indicates that there are addressees in some 84 countries around the world which reasonably reflects the dispersion of the Australian Diaspora around the world. 18% of those on the list have addresses in North

America. We have a volunteer Committee of about 100 members spread across 30 countries. The “Contact Us” pages on our website presently lists contacts in 26 countries.

Senator Payne used the term, as I recall, “minor paranoia” to categorise the feelings of those in the Diaspora who complain on various matters which to them generate a sense of exclusion from the Australian community. This line was followed with several of the witnesses. Probably Senator Payne was acting as a Devil’s advocate on this in an endeavour to test the validity of those claims. Nevertheless, for those expatriates who read the Hansard record of these hearings once it is posted on the APH site, this could well be read as an anti-Diaspora attitude.

You will recall that at the beginning of our initial submission we indicated our hope that the broad outcome of the Inquiry would be that overseas Australians are recognised and accepted as an integral part of the Australian nation and that they constitute a significant national asset that should be fostered and developed at both the government and private sector levels.

Much that we have covered in our submissions is directed at creating that sense of **inclusion**. Perhaps the most often quoted sense of **exclusion** relates to citizenship and the impact of the former section 17 of the *Australian Citizenship Act 1948*. The need for repeal was identified in this Parliament over several decades but did not occur until 4 April 2002. The early 2000 recommendation of the Citizenship Council relating to Section 17 was initially not accepted by the Government in its May 2001 response. We understand that Cabinet was split on the issue and further public submissions were invited in mid 2001. Even when the amending Bill was being debated in the House in early 2002, speaker after speaker from the Opposition indicated that the repeal of section 17 was but the tip of the iceberg and that further section 17 related issues needed attention. Does that not emphasise the sense of exclusion felt by former Australian citizens, that has only now started to be addressed by the Minister for Citizenship and Multiculturalism?

Any reading of our submissions to this and other Inquiries cannot fail to identify many other issues that exclude those in the Diaspora from that sense of belonging.

We believe that the underlying equation in recognising and developing the Diaspora is one of give and take.

Much of the evidence and questioning that I heard on Tuesday could be seen as bearing on the mining of the commercial value of the best and brightest of our expatriates. This is an approach which we would place on the “take” side of the equation, albeit a very

important element in selling the Diaspora. The submissions you have received from most of the organised groups have this “mining” or exploitation of the resource approach. We would urge you to look at the submissions from individuals to find the majority of issues we would place on the “give” side of the equation.

Only the Parliament and the Government are in the position to address those issues which fall on the “give” side of the equation. A brief example – on Tuesday the fact that many trailing spouses in the US are denied the right to work under US migration law was mentioned. It is a situation that applies in most countries but not in the UK or, surprisingly, in Australia. Only Government-to-Government negotiation would seem capable of changing this situation. Yet the proposed US-Australia FTA does not address the issue.

Australia’s relationship with its Diaspora can only function properly and effectively if it is truly a two-way street.

Over the years we have referred many times to the need for a Government initiated and coordinated information Internet portal for the Diaspora. The matter was touched upon on Tuesday. Yet there is still no Government website that meets that need. We have sites for regional Australians, indigenous Australians, welfare recipients and travelling Australians. To give an example close to home, this Parliament and its various Committees does not have a strategy directed specifically at providing information to, or seeking input from, the Diaspora.

The terms of reference, and the call for submissions to this Inquiry, were publicised overseas largely by the SCG and we believe the majority of submissions to the Inquiry, both from individuals and organisations, have drawn heavily from the briefing material we posted on our website. There have been close to 700 submissions to this Inquiry and by most standards that is a large number. Particularly as most of those overseas do not have the right to vote.

The portal issue is symptomatic of the fact that there is no one agency within the administration that is responsible for considering, promoting, advertising and otherwise coordinating matters that specifically relate to issues, policies and legislation directly affecting the Diaspora. It is that fact which has led us to recommend, at pages 151 to 156 of our initial submission, the establishment of an umbrella organisation, which we have labelled The Australian Diaspora Council. Associated with this we see the need for the establishment of a research facility within one or more of our universities.

The issues relating to overseas voting have been recently considered by the Joint Standing Committee on Electoral Matters. We remain concerned about the continuing disenfranchisement of so many overseas Australians. We recognise that this, and the

associated issue of direct representation for overseas Australians, will engage us in a long haul. Much more research is needed on this.

We would also like to make it clear that our quest on voting is essentially directed at creating a right to be enrolled for overseas Australians. This would allow those who do not wish to take part in our elections for one reason or another, to opt out. Until we have such provisions it will be difficult to assess how many in the Diaspora wish to display their continuing concern with Australian affairs by exercising their democratic right.

With regard to compulsory voting for those overseas, the administrative arrangements for overseas voting will need considerable improvement before compulsory voting could be seen as an equitable process.

Taxation and superannuation matters affecting those in the Diaspora are quite complex and require a serious and separate review as part of the “give” side of the equation.

We have identified to the Committee both in our main submissions and in other supporting material, the arrangements that a range of other countries have in place in respect of their diaspora. Somewhere in those arrangements there is probably a hybrid model that could be crafted to best suit Australia’s needs. Again there is a need for a specifically targeted separate review on this.

Lastly, there have been several recent developments that reflect responses by the Parliament, the government and government agencies to some of the concerns that we have raised:

- The changes to taxation law relating to the repatriation of overseas superannuation contributions which were contained in the *Tax Laws Amendment (2004 Measures No.2) Act 2004* and which came into force on 1 July. However, we have not to this stage been able to find details of this change on the ATO website and we are certainly not aware of any ATO initiative to publicise this to overseas Australians.
- The changes to the *Commonwealth Electoral Act 1918* which amended some of the provisions relating to overseas voting. We note that the changes which came into force on 21 July were quickly reflected in the information and forms available on the AEC website, but again there does not seem to be any initiative to bring this change to the attention of overseas voters. I mentioned earlier the What You Need to Know

Brochure we have issued regarding this.

- An overall improvement in the information available to the Diaspora on the websites of several key agencies, and in particular the DIMIA Citizenship site.
- The recent announcement by the Minister for Citizenship and Multicultural Affairs in relation to proposed changes to the *Australian Citizenship Act 1948*. The Committee will be aware from our third supplementary submission, lodged last Friday, that we still have some serious concerns about various aspects of that announcement, particularly in relation to children born to former Australian citizens both before and after their loss of citizenship.