

The Senate

---

Legal and Constitutional  
References Committee

---

They still call Australia home:  
Inquiry into Australian expatriates

March 2005

© Commonwealth of Australia 2005

ISBN 0 642 71502 5

This document was printed by the Senate Printing Unit, Department of the Senate,  
Parliament House, Canberra

# MEMBERS OF THE REFERENCES COMMITTEE

## Members

Senator the Hon Nick Bolkus (Chair), ALP, SA  
Senator Marise Payne (Deputy Chair), LP, NSW  
Senator Geoff Buckland, ALP, SA  
Senator Brian Greig, AD, WA\*  
Senator Linda Kirk, ALP, SA  
Senator Nigel Scullion, CLP, NT

## Substitute Members

\* Senator Aden Ridgeway to replace Senator Greig for matters relating to the Indigenous Affairs portfolio

## Participating Members

Senator the Hon Eric Abetz, LP, TAS	Senator Gary Humphries, LP, ACT
Senator G. Barnett, LP, TAS	Senator Susan Knowles, LP, WA
Sen Andrew Bartlett, AD, Qld (for DIMIA)	Senator Ross Lightfoot, LP, WA
Sen Mark Bishop, ALP, WA	Senator Joseph Ludwig, ALP, Qld
Senator George Brandis, LP, Qld	Senator Julian McGauran, NATS, VIC
Senator Bob Brown, AG, TAS	Senator Sue Mackay, ALP, Tas
Senator George Campbell, ALP, NSW	Senator Brett Mason, LP, Qld
Senator Kim Carr, ALP, VIC	Senator Andrew Murray, AD, WA
Sen Grant Chapman, LP, SA	Senator Kerry Nettle, AG, NSW
Senator the Hon R. Colbeck, LP, TAS	Senator Robert Ray, ALP, VIC
Sen Trish Crossin, ALP, NT	Senator Aden Ridgeway, AD, NSW
Senator Alan Eggleston, LP, WA	Senator the Hon Nick Sherry, ALP, Tas
Senator Chris Evans, ALP, WA	Senator Ursula Stephens, ALP, NSW
Senator the Hon John Faulkner, ALP, NSW	Senator Natasha Stott Despoja, AD, SA
Senator Alan Ferguson, LP, SA	Senator Tsebin Tchen, LP, Vic
Senator Jeannie Ferris, LP, SA	Senator John Tierney, LP, NSW
Senator Brian Harradine, Ind, Tas	Senator John Watson, LP, Tas

## **Secretariat**

Mr Owen Walsh	Secretary (from January 2005)
Mr Phillip Bailey	Acting Secretary (from June 2004)
Ms Louise Gell	Secretary (to June 2004)
Ms Sophie Power	Principal Research Officer
Ms Kelly Paxman	Principal Research Officer
Ms Julie Dennett	Principal Research Officer
Mr Anthony Marinac	Principal Research Officer
Ms Barbara Allan	Senior Research Officer
Ms Marina Seminara	Executive Assistant

Suite S1.61  
Parliament House

Telephone: (02) 6277 3560      Fax: (02) 6277 5794  
E-mail: [legcon.sen@aph.gov.au](mailto:legcon.sen@aph.gov.au)

## FOREWORD

*The Australian diaspora represents a market, a constituency, a sales force and an ambassadorial corps.*<sup>1</sup>

According to current estimates, at least three-quarters of a million Australians are living overseas permanently or long-term. This is a considerable proportion of the Australian population, and reflects the increasingly mobile and globalised world in which we live. Some of the key factors influencing this phenomenon include the rise of a global labour market; more accessible and economical international transport; and increasingly sophisticated communication technologies.

Many of these expatriate Australians are young, well-educated, highly skilled, and keen to see the world and to make the most of the opportunities presented to them. This has led many to fear that Australia is experiencing a 'brain drain' of its best and brightest workers, with damaging consequences for Australia's economy and society. In fact, the Committee learnt during its inquiry that Australia actually experiences a net 'brain gain' of skilled workers.

It is important, then, to move away from any negative perceptions and realise that, even though these Australians may be physically located outside Australia's borders, they nevertheless feel strong cultural links with their homeland. In the same way that most expatriate Australians still embrace Australia as their home, we should embrace our expatriate community as part of the Australian nation, and recognise that our expatriates are an important part of Australian society.

The Committee found during its inquiry that Australian expatriates present many potential benefits, opportunities and new considerations for Australian policymakers. Most importantly, the Australian Government needs to make greater efforts to connect with and engage our expatriate community. The Committee heard that many of the needs and concerns of expatriate Australians are not being adequately dealt with, and that Australian expatriates could be better recognised and included in the Australian democratic system. Further, expatriate Australians represent an underutilised resource: not only are they an asset in terms of promoting Australia and its social, economic and cultural interests; they are also ambassadors for our nation, which is otherwise disadvantaged by our geographic remoteness and small population.

The Committee has made a series of recommendations with a view to ensuring that this important part of the Australian community is recognised and embraced, its needs and concerns are addressed, and that we make the most of the opportunities presented by our global community of Australians.

---

1 M Fulligrove and C Flutter, *Diaspora: the world wide web of Australians*, Lowy Institute Paper 04, Lowy Institute for International Policy, November 2004, (Lowy report), p. x.



# TABLE OF CONTENTS

<b>MEMBERS OF THE REFERENCES COMMITTEE .....</b>	<b>iii</b>
<b>FOREWORD .....</b>	<b>v</b>
<b>ABBREVIATIONS .....</b>	<b>xiii</b>
<b>CHAPTER 1 .....</b>	<b>1</b>
<b>INTRODUCTION .....</b>	<b>1</b>
Reference .....	1
Conduct of the inquiry .....	1
Acknowledgments .....	2
Scope of the report.....	2
Note on references.....	3
<b>CHAPTER 2 .....</b>	<b>5</b>
<b>THE AUSTRALIAN EXPATRIATES PHENOMENON .....</b>	<b>5</b>
Introduction .....	5
Defining an expatriate .....	5
Characteristics of expatriates.....	5
Why Australians go overseas .....	6
Evidence from submissions.....	6
Evidence from the Hugo 2002 survey.....	8
Why some Australian expatriates stay overseas long-term or permanently .....	10
Work opportunities.....	10
Remuneration and financial issues .....	10
Friends and family.....	11
The lure of the lifestyle.....	11
Stasis.....	11
Still call Australia home? .....	12

Implications for Australia.....	13
Brain drain or brain gain?.....	13
The Committee's view.....	14
<b>CHAPTER 3 .....</b>	<b>17</b>
<b>THE EXTENT OF AUSTRALIA'S EXPATRIATE COMMUNITY .....</b>	<b>17</b>
Determining the extent of Australia's expatriate community.....	17
Possible ways of more accurately determining the number of Australian expatriates.....	20
The Committee's view.....	24
<b>CHAPTER 4 .....</b>	<b>27</b>
<b>COMMUNICATION, POLICY FORMULATION, AND THE ROLE OF GOVERNMENT.....</b>	<b>27</b>
Communication, access to information, and use of the Internet.....	27
A web portal? .....	28
Enhancing mission websites?.....	30
Lack of coordination of government policy.....	31
<b>CHAPTER 5 .....</b>	<b>37</b>
<b>THE LEGAL CONCERNS OF OVERSEAS AUSTRALIANS .....</b>	<b>37</b>
Citizenship issues .....	37
Background and history of Australian citizenship.....	38
Dual citizenship: the repeal of section 17.....	40
Dual citizenship: renunciation of citizenship under section 18.....	48
Other citizenship issues.....	52
Information and awareness relating to citizenship.....	55
Voting issues.....	56
Statistics on overseas voters.....	57
Current requirements under the Commonwealth Electoral Act.....	58
Should the enrolment restrictions be relaxed for Australians overseas?.....	60
The Committee's view.....	65

Administrative considerations .....	65
Education and information on voting for overseas Australians .....	69
<b>CHAPTER 6 .....</b>	<b>73</b>
<b>REPATRIATION AND RELATED CONCERNS .....</b>	<b>73</b>
Do expatriates want to return to Australia? And will they? .....	73
Assistance for repatriation? .....	75
Realities of repatriation .....	76
Employment .....	77
<b>CHAPTER 7 .....</b>	<b>81</b>
<b>OTHER CONCERNS OF EXPATRIATES .....</b>	<b>81</b>
Taxation issues .....	81
Income tax rates.....	81
Withholding tax for expatriates.....	83
Lack of a tax-free threshold for expatriates on superannuation pensions.....	84
Section 23AF of the Income Tax Assessment Act 1936 (expatriates working in countries with no personal income tax).....	85
Superannuation .....	85
Portability of superannuation .....	85
Residency requirements for small superannuation funds.....	87
Driver's licence issues.....	88
Medical insurance issues .....	89
Social security agreements .....	91
Working holiday arrangements .....	91
<b>CHAPTER 8 .....</b>	<b>95</b>
<b>MEASURES TAKEN BY OTHER COUNTRIES REGARDING THEIR EXPATRIATES.....</b>	<b>95</b>
Introduction .....	95
Legislative representation of expatriates.....	95

Expatriates' representative bodies sponsored by government .....	97
France .....	97
Greece .....	97
Switzerland .....	98
India .....	99
Ireland .....	99
Other countries .....	100
Identification cards for expatriates .....	101
Awards for expatriates .....	102
Schemes to encourage the return of expatriates .....	103
Other measures .....	104
Registers of expatriates .....	104
Measures to facilitate economic development .....	105
<b>CHAPTER 9 .....</b>	<b>107</b>
<b>PROMOTING AUSTRALIA'S INTERESTS THROUGH ITS</b>	
<b>EXPATRIATES.....</b>	<b>107</b>
Introduction .....	107
Engaging with academic expatriates .....	107
Fellowship schemes .....	107
Short-term return schemes .....	110
Networking of researchers .....	111
Engaging with expatriate professionals .....	112
Attracting expatriate professionals .....	112
Networking of expatriate professionals .....	112
Engaging with expatriates at overseas posts .....	113
Encouraging expatriates to invest in Australia .....	116
Expatriate networks .....	117
<b>CHAPTER 10 .....</b>	<b>121</b>
<b>THE COMMITTEE'S CONCLUSIONS .....</b>	<b>121</b>

Communication and access to information .....	121
Policy formulation and coordination .....	122
Australian missions overseas.....	123
Concerns regarding voting and citizenship rights .....	124
Citizenship issues .....	124
Voting issues .....	127
Engagement with expatriates.....	128
<b>ADDITIONAL COMMENTS BY GOVERNMENT SENATORS .....</b>	<b>131</b>
Communication and access to information .....	131
Policy formulation and coordination .....	131
Australian missions overseas.....	131
Concerns regarding voting and citizenship rights .....	131
Voting issues.....	132
Engagement with expatriates.....	132
<b>APPENDIX 1 .....</b>	<b>133</b>
<b>ORGANISATIONS AND INDIVIDUALS THAT PROVIDED THE COMMITTEE WITH SUBMISSIONS.....</b>	<b>133</b>
<b>APPENDIX 2 .....</b>	<b>153</b>
<b>WITNESSES WHO APPEARED BEFORE THE COMMITTEE .....</b>	<b>153</b>
Sydney, Tuesday 27 July 2004.....	153
Melbourne, Wednesday 28 July 2004 .....	153
Canberra, Thursday 29 July 2004.....	154
Canberra, Wednesday 4 August 2004 .....	154



## ABBREVIATIONS

AAMVA	American Association of Motor Vehicle Administrators
AAN	Australians Abroad Network
ABS	Australian Bureau of Statistics
ACC	Australian Citizenship Council
Advance	Advance - Australian Professionals in America
AIC	Australian Institute for Commercialisation
AEC	Australian Electoral Commission
AGIMO	Australian Government Information Management Office
ANZACC	Australian New Zealand American Chambers of Commerce
ARC	Australian Research Council
ATO	Australian Taxation Office
AustCham Beijing	China-Australia Chamber of Commerce
AustCham Singapore	Australian Chamber of Commerce, Singapore
Citizenship Act	<i>Australian Citizenship Act 1948</i>
Commonwealth Electoral Act	<i>Commonwealth Electoral Act 1918</i>
CSIRO	Commonwealth Scientific and Industrial Research Organisation
DFAT	Department of Foreign Affairs and Trade
DIMIA	Department of Immigration and Multicultural and Indigenous Affairs
EOE	Eligible Overseas Elector
FaCS	Department of Family and Community Services

Hugo report	G Hugo, D Rudd and K Harris, <i>Australia's Diaspora: Its Size, Nature and Policy Implications</i> , Final Report, Committee for Economic Development of Australia, July 2003
JSCEM	Joint Standing Committee on Electoral Matters
JSCEM report	Joint Standing Committee on Electoral Matters, <i>2001 Federal Election: Report of the inquiry into the 2001 Federal Election and Matters Related Thereto</i> , 23 June 2003
Lowy report	M Fulligrove and C Flutter, <i>Diaspora: the world wide web of Australians</i> , Lowy Institute Paper 04, Lowy Institute for International Policy, November 2004
NEAR	Network of Expatriate Researchers
NHMRC	National Health and Medical Research Council
OECD	Organisation for Economic Co-operation and Development
ORAO	online register of Australians overseas
PIO card	Person of Indian Origin card
SCG	Southern Cross Group
SUGUNA	Sydney University Graduates Union of North America
UK	United Kingdom
US	United States of America
VEN	Victorian Expat Network
VESKI	Victorian Endowment for Science, Knowledge and Innovation

# CHAPTER 1

## INTRODUCTION

### Reference

1.1 On 16 October 2003, the Senate referred the following matters to the Legal and Constitutional References Committee, for inquiry and report by 1 September 2004:

- the extent of the Australian diaspora;
- the variety of factors driving more Australians to live overseas;
- the costs, benefits and opportunities presented by the phenomenon;
- the needs and concerns of overseas Australians;
- the measures taken by other comparable countries to respond to the needs of their expatriates; and
- ways in which Australia could better use its expatriates to promote our economic, social and cultural interests.<sup>1</sup>

1.2 On 23 June 2004, the Senate agreed to extend the reporting date for this inquiry to 5 October 2004. Due to the prorogation of Parliament on 31 August 2004, and the need to thoroughly consider the evidence received in order to finalise its recommendations, the Committee tabled an interim report on 1 October 2004. The inquiry lapsed on 15 November 2004, the eve of the 41<sup>st</sup> Parliament. On 6 December 2004, the Senate re-referred the inquiry for report by 8 March 2005.

### Conduct of the inquiry

1.3 The Committee advertised the inquiry in *The Australian* newspaper on 3 December 2003, 17 December 2003, 28 January 2004 and 11 February 2004, and wrote to over 50 organisations and individuals, inviting submissions by 27 February 2004. Given the subject matter of this inquiry, however, it was evident that other approaches were required. The Department of Foreign Affairs and Trade (DFAT) disseminated details of the inquiry to its overseas posts; the Southern Cross Group (SCG) emailed its members and posted the terms of reference and supplementary information on its website and forwarded submissions from members; and several chambers of commerce surveyed their members and sent consolidated responses.

1.4 The Committee is appreciative of the response it received: some 677 submissions from individuals, groups or associations were received by the end of

---

1 *Journals of the Senate* 108, 16 October 2003, p. 2580.

February 2004, with several supplementary submissions and associated documentation being received in the following months (see Appendix 1 for the complete list of submissions). Submissions were placed on the Committee's website.

1.5 The Committee held public hearings in Sydney on 27 July 2004; in Melbourne on 28 July 2004; and in Canberra on 29 July 2004 and 4 August 2004. A list of witnesses who appeared before the Committee is at Appendix 2, and copies of the Hansard transcript are available through the Internet at <http://www.aph.gov.au/hansard>.

1.6 The Committee hopes that this inquiry has shed some useful light on many expatriate issues, and that it will be only one of many to explore the ramifications of an increasingly global workforce in the 21<sup>st</sup> century. The Committee notes, for example, that the Lowy Institute released a report on Australia's diaspora (the Lowy report) towards the end of this inquiry.<sup>2</sup> The Committee notes that there is a considerable amount of common ground between this report and the Lowy report.

### **Acknowledgments**

1.7 First and foremost, the Committee thanks the SCG for its considerable assistance in disseminating information about the inquiry and in facilitating the handling of submissions from SCG members; and for supplying a steady stream of comprehensive submissions and useful background information.

1.8 Thanks must also go to all submitters and witnesses. Many individual submitters went to considerable lengths to outline their personal situation, and to articulate ways in which the Australian Government could or should reconsider its policies or practices to better encompass the realities of a considerable proportion of its citizenry living beyond its geographic borders. Government agencies and departments, in particular the Department of Immigration and Multicultural and Indigenous Affairs (DIMIA), also assisted in providing useful background information. The written input of many overseas-based chambers of commerce and alumni associations is also greatly appreciated.

1.9 The Committee thanks all witnesses who gave evidence to the Committee and, in particular, those who travelled from abroad or from distant parts of Australia.

### **Scope of the report**

1.10 Chapter 2 considers the characteristics of Australia's expatriate community, including the reasons why Australians go and stay overseas. Chapter 3 looks at ways of determining the size of Australia's expatriate community.

---

2 M Fulligrove and C Flutter, *Diaspora: the world wide web of Australians*, Lowy Institute Paper 04, Lowy Institute for International Policy, November 2004 (Lowy report).

1.11 Chapter 4 considers concerns regarding communication between expatriates and government, and looks at ways to develop the role of the Australian Government in relation to expatriates.

1.12 Chapters 5, 6, and 7 address the concerns of expatriates, particularly in the areas of citizenship and voting rights, and repatriation to Australia.

1.13 Chapter 8 looks at measures taken by other countries in respect of their expatriates. Chapter 9 considers schemes in place to engage with expatriates, and looks at ways expatriates can contribute to the Australian community whilst still abroad. Chapter 10 presents a summary of the Committee's conclusions and its recommendations on a range of matters relating to Australian expatriates.

### **Note on references**

1.14 References in this report are to individual submissions as received by the Committee, not to a bound volume. References to the Committee Hansard are to the official Hansard. Page numbers may vary between the proof and the official Hansard transcript.



# CHAPTER 2

## THE AUSTRALIAN EXPATRIATES PHENOMENON

### Introduction

2.1 This chapter discusses certain aspects of the 'expatriates phenomenon', including:

- how 'expatriate' is defined;
- characteristics of expatriates;
- why Australians go overseas;
- why some expatriates stay overseas long-term or permanently; and
- the implications for Australia.

### Defining an expatriate

2.2 The Collins Australian Dictionary defines an expatriate as 'a person who lives overseas'. The Federation Edition of the Macquarie Dictionary defines the term 'expat' as 'someone living or working in a country of which they are not a citizen'.

2.3 For the purposes of this inquiry, the Committee has simply regarded as an expatriate any Australian citizen or other person with an historic physical link to Australia who is residing overseas. The duration of time the person has spent overseas is not regarded as relevant.

### Characteristics of expatriates

2.4 In general terms, Australian expatriates increasingly tend to be young, highly skilled and highly educated.<sup>1</sup> A recent analysis of the size and nature of Australia's expatriate population is contained in the report by Professor Graeme Hugo and his colleagues (Hugo report). Determining the overall size of Australia's expatriate community has been problematic, and will be considered separately in Chapter 3.

2.5 However, the Hugo report clearly showed, from the evidence of the DIMIA movements database and the 2001 Census, that emigrants were representative of particular groups. Of the long-term Australian resident departures in 2002, over two-thirds were professionals, para-professionals, managers or administrative occupations. Only 0.5 per cent of males and 0.6 per cent of females were unemployed.<sup>2</sup>

---

1 G Hugo, D Rudd and K Harris, *Australia's Diaspora: Its Size, Nature and Policy Implications*, Final Report, Committee for Economic Development of Australia, July 2003 (Hugo report), pp. 32-35; see also Professor Graeme Hugo, *Committee Hansard*, 28 July 2004, p. 2.

2 Hugo report, p. 36.

2.6 Again, from the evidence of the DIMIA movements database for 2001-02, expatriates were also predominantly young: some 51.6 per cent of long-term Australian resident departures were between the ages of 20 and 34, and overwhelmingly for this age group, their destination was the United Kingdom (UK).<sup>3</sup> In fact, the UK appears to be the destination of choice for expatriates more generally – the UK accounts for at least 25 per cent of Australians leaving on a permanent and long-term basis.<sup>4</sup> Other popular destinations include Western Europe (particularly Greece), Asia, the United States (US) and New Zealand.<sup>5</sup> The Hugo report noted that the number of Australians emigrating to Asia has increased by more than 50 per cent in recent years.<sup>6</sup>

2.7 Within the broad expatriate community, there are also numerous subgroups, each with their own characteristics and concerns, which may or may not overlap. Major subgroups include working holidaymakers; Australians working abroad on a longer-term or indefinite basis; naturalised Australians who have returned to their place of birth; and Australians who are residing abroad for family reasons. And, as outlined above, in recent years, one of the most significant subgroups to emerge has been young, highly skilled, well-educated, high earning Australians – who have been described as 'gold collar workers'.<sup>7</sup>

2.8 These groupings are infinitely flexible, with working holidaymakers in particular regularly metamorphosing into long-term or permanent expatriates, for employment or family reasons. At the same time, the overall return rate for Australian residents who say they are leaving long-term or permanently is about 75 per cent.<sup>8</sup> It is noted that the concerns of the long-term expatriates are not necessarily similar to those who have been away only a short while.

## **Why Australians go overseas**

### ***Evidence from submissions***

2.9 On the evidence submitted, the Committee noted that Australians went abroad for a wide variety of reasons. These reasons could broadly be categorised as relating to better employment opportunities, more financially rewarding work, study opportunities, travel opportunities, and family issues. In many, if not most, cases, these factors were not mutually exclusive.

---

3 *ibid*, pp. 33-35.

4 *ibid*, p. 11; see also DFAT, *Submission 646*, p. 5.

5 Hugo report, p. 22; see also DFAT, *Submission 646*, p. 5.

6 Hugo report, p. 11.

7 Lowy report, p. 15.

8 B Birrell et al., *Skilled Movement in the New Century: Outcomes for Australia*, Centre for Population and Urban Research, Monash University, 2004, p. 50.

2.10 Some submitters, particularly academic researchers, cited the opportunity to work in leading overseas research establishments, with the top professionals in the field, and with significantly superior infrastructure support, as the main reason for their decision to expatriate.<sup>9</sup> Other submitters felt that there were few openings in their chosen fields in Australia, and that overseas offered their only genuine employment opportunities.<sup>10</sup> The need for overseas experience to pave the way for career advancement was often cited.<sup>11</sup> Others mentioned the challenge of testing their abilities in a complex working environment in a different culture,<sup>12</sup> while still others pointed to the scale of opportunities awaiting abroad,<sup>13</sup> or the proximity to other vibrant economies.<sup>14</sup>

2.11 The higher salaries often available elsewhere was frequently cited. For some, this was the reason for expatriating, but for others it was a pleasant surprise when they got there. The Australian Business Council in the Gulf, which surveyed its members as to their reasons for working in the Persian Gulf, found the combination of higher salary levels and lower taxes to be the predominant reason.<sup>15</sup> Some individuals made no bones of the fact that they were working abroad specifically to pay off the mortgage on their Australian home, to buy an investment property, and generally to set themselves up financially as early in life as possible, and faster than they could hope to do so in Australia.<sup>16</sup>

2.12 Another large group of expatriates left initially to study abroad, frequently on some form of scholarship or bursary.<sup>17</sup> Others chose to study abroad because their chosen course was unavailable in Australia.<sup>18</sup>

2.13 Travel opportunities, often in conjunction with work or study, were frequently cited as a reason for going abroad. As Mr Simon Robinson put it, 'Australians like to travel. We're good at it. We're flexible and adaptable and inquisitive.'<sup>19</sup> Many shared

---

9 See for example, Ms Jacqueline Mowbray, *Submission 319*, p. 1.

10 See for example, Mr David Guilfoyle, *Submission 338*; Ms Denise Curnow and Dr Michael Dutch, *Submission 607*, p.1.

11 See, for example, Mr Phil Wilson, *Submission 65*, p.1; Ms Noeleen Segal, *Submission 203*, p. 2; Australasian Taxation Services Pty Ltd, *Submission 629*, p. 3.

12 Mr Mark Mitchell, *Submission 27*, p. 1; see also Dr Melissa Butcher, *Committee Hansard*, 27 July 2004, p. 22.

13 Ms Suzan Bennet, *Submission 187*, p. 5.

14 Mr Bruce Rogers, *Submission 230*, p. 1.

15 *Submission 483*, pp. 4 & 6-7.

16 See, for example, Mr Dean Lowney, *Submission 427*, p. 1.

17 See, for example, Dr Peter Andry, *Submission 41*, p.1.

18 See, for example, Mr Dave Mincey, *Submission 267*, p. 1.

19 *Submission 79*, p. 1.

the motivation of Mr Barton Guthrie, who left by boat in the 1960s to 'broaden [his] horizons and to see the world'.<sup>20</sup>

2.14 A smaller subset of expatriates travelled and lived abroad to experience life in the birthplace of a parent, or to connect with their family history.<sup>21</sup> Others went in part to give their children the experience of living in a different culture.<sup>22</sup> Another considerable proportion of expatriates were accompanying partners, the so-called 'trailing spouses'.<sup>23</sup>

2.15 The 'pull' factors, or the attractions of going abroad, were not the exclusive reasons for leaving Australia. Some felt a decided 'push' from their homeland, again for a variety of reasons. Prominent amongst them were the Australian tax system,<sup>24</sup> and a perception that intellectual endeavour was undervalued.<sup>25</sup>

### *Evidence from the Hugo 2002 survey*

2.16 The Hugo report contains one of the few quantitative attempts to assess the expatriates phenomenon (the Hugo survey).<sup>26</sup> The aim of the Hugo survey was to more fully understand the emigration process and to assess its economic and social implications. As Professor Hugo pointed out, his survey was biased towards more recent professional graduates, and those who were linked to alumni or support organisations; and to those who are on the Internet.<sup>27</sup> The Committee notes that the Hugo survey did not take into account European migrants to Australia in the 1950s (and their children) who have now returned to their countries of origin to stay, but who still retain strong links with Australia. The Lowy report noted that this group of expatriates, resident in countries such as Greece, Italy and Lebanon, make up nearly one quarter of the Australian global expatriate community.<sup>28</sup>

---

20 *Submission 412*, p. 1.

21 See, for example, Mrs Vanessa Cusumao, *Submission 63*; Dr Ron Hackney, *Submission 349*; see also Professor Hugo, *Committee Hansard*, 28 July 2004, p. 2.

22 See, for example, Mr Richard Middelmann, *Submission 356*, p. 1.

23 See for example, Ms Frances Colley, *Submission 460*, pp. 2-3; Ms Robyn Stephenson, *Submission 533*, pp. 2-3; Ms Catherine Rawson, *Submission 650*, p. 1.

24 See, for example, Mr Rhys Weekly, *Submission 435*; and Dr George Botha, *Submission 415*.

25 See, for example, Ms Margo Huxley, *Submission 397*; and Dr Alan Offer, *Submission 485*.

26 Hugo report, pp. 39-43.

27 The sample in the Hugo survey was a cross-section of recent overseas-based graduates from 12 Australian universities; respondents could reply online or by hard copy. In addition a number of relevant groups publicised the survey on their websites. Some 2072 useable questionnaires were received, representing a creditable response rate of 33.5 per cent. A number of in-depth interviews were also held in several locations: Hugo report, pp. 39-41.

28 Lowy report, p. 17.

2.17 The Hugo survey showed that the prime stated motivation for emigration for both men and women was 'better employment opportunities'.<sup>29</sup> This was supported by the submissions to this inquiry. This is perhaps to be expected, given the sample concerned, but also reflects the growing global opportunities now open to capable persons worldwide. Table 2.1 also highlights the extent of the 'trailing spouse' (and primarily female spouse) phenomenon, from a sample which might not have been expected to produce such a result. It is unclear how many of the Hugo sample involved 'working holiday' expatriates, a factor which may have influenced the 'lifestyle' response.

**Table 2.1 Reasons given by male and female respondents for emigration (percentage indicating 'yes' to a list of specified reasons)**

<b>Reasons ranked by popularity of total response</b>	<b>Males (n=1153) %</b>	<b>Females (n=919) %</b>	<b>Persons (n=2070) %</b>
Better employment opportunities	49.3	34.2	42.6
Professional development	42.9	27.4	36.1
Higher income	38.2	25.1	32.4
Promotion/career advancement	28.9	17.2	23.7
Lifestyle	22.2	23.8	22.9
Marriage/partnership	17.0	29.1	22.3
Overseas job transfer	23.1	14.7	19.4
Education/study	16.0	12.5	14.5
Partner's employment	4.6	21.4	12.1
To be close to family/friends	4.4	7.0	5.6
To establish/expand business	4.3	0.8	2.8
Separation/divorce	1.2	2.1	1.6

*Source: Emigration Survey 2002, Hugo report, p. 44.*

2.18 Clearly, the reasons for expatriating are many and varied, and one cannot discount an element of post-hoc rationalisation of the decision. 'Pull' factors (the

---

29 Hugo report, p. 44.

appeal of abroad) appear to outweigh 'push' factors (a dislike of aspects of Australian life), though the latter were well represented.

### **Why some Australian expatriates stay overseas long-term or permanently**

2.19 Despite their intentions on leaving Australia, many Australian expatriates do not return on a permanent basis. DIMIA, and those researchers using the DIMIA movements database, have noted the extent of category jumping between the 'permanent' and 'long-term' departure categories. A number of 'long-term' departures are back within two years.<sup>30</sup> On the other hand, numerous submitters to this inquiry explained that they had left for a short working holiday and many years later were still away.<sup>31</sup> The stated reasons that keep them there were many and varied, and broadly echoed the reasons they left in the first place. Some of these reasons are examined below.

#### ***Work opportunities***

2.20 Some expatriates felt there was little choice but to remain overseas if they wished to remain in their current field of work. As Dr Louella Vaughan stated, 'In order to pursue an international career in academic medicine, I virtually have to forsake any dreams of returning home'.<sup>32</sup> Dr Elizabeth Beattie, a gerontologist who specialises in the management of difficult behaviours associated with Alzheimer's disease, believed the only openings for her in Australia were in administration, rather than research.<sup>33</sup>

2.21 Others valued the working conditions overseas. Professor James Danckert, working in the cognitive neuroscience field, lauded the level of support funding, in his case in Canada.<sup>34</sup> Another submitter told the Committee that:

I am at the premier research institution in my field; it is easier and less expensive to attend conferences and meetings from the US; and the potential to attract significant research funding is very good.<sup>35</sup>

#### ***Remuneration and financial issues***

2.22 Some expatriates nominated remuneration as their primary reason for remaining overseas. A former Ansett pilot, Mr Andrew Ferguson, now happily settled

---

30 B Birrell et al., *Skilled Movement in the New Century: Outcomes for Australia*, Centre for Population and Urban Research, Monash University, 2004, p. 33.

31 See for example, Ms Susan Moriarty, *Submission 149*, p. 1; Mr Graeme Hudson, *Submission 192*, p. 1; Ms Jillian Dacyk, *Submission 424*, p. 1.

32 *Submission 9*, p. 1.

33 *Submission 516*, p. 3.

34 *Submission 352*, p. 2.

35 *Submission 459*, p. 1.

and employed in Hong Kong, told the Committee he was earning double his former Australian salary for the same work, paid less tax, received assistance towards buying a home, and had his private health care and children's education paid for.<sup>36</sup> Another submitter raised the spectre of his HECS debt, which he viewed as 'a tax on returning home'.<sup>37</sup>

### ***Friends and family***

2.23 Self-evidently, it is easier for single people to move from country to country than it is for those with families. Once partnered and with children, and particularly if partnered with an overseas national for whom entry to Australia or work in Australia might be difficult, many of our expatriates stay put.<sup>38</sup> Mr Neale Ferguson, who left Australia with a five-year plan while his children were in primary school, now accepts 'we may be here for a longer time than expected' and has commenced planning for college and retirement.<sup>39</sup>

### ***The lure of the lifestyle***

2.24 For some, the cultural opportunities presented by living abroad were simply too inviting to leave.<sup>40</sup> The exposure to other cultures was the attraction for many, while the ready opportunities for travel was mentioned by others who found Australia's location too isolated.<sup>41</sup>

### ***Stasis***

2.25 Perhaps the most telling reason for remaining overseas was advanced by Mr Richard Baxter, who told the Committee that with the increasing amount of time one spends abroad, the development of personal and professional ties increasingly precludes a return to Australia.<sup>42</sup> Or as Ms Deborah Dean from Hong Kong told the Committee:

We did not anticipate we would stay expatriates for as long as we have, but like so many before us the initial lure of becoming an expatriate – to 'escape' Australia's high tax environment so we could save some money – has evolved into a happy and fulfilling life.<sup>43</sup>

---

36 *Submission 197*, p. 1.

37 Mr Michael Garrett, *Submission 627*, p. 1.

38 See, for example, Ms Gaye Rochow, *Submission 484*, p. 1.

39 *Submission 152*, p. 2.

40 See, for example, Ms Maria Butler, *Submission 586*, p. 1; and Mr Andres Vecchiet, *Submission 497*, p. 2.

41 See, for example, Ms Georgina Wright, *Submission 496*, p. 1; Mr Keith Walker, *Submission 649*, p.1; and Mr Kenneth McKenzie, *Submission 23*, p. 1.

42 *Submission 538*, p. 2.

43 *Submission 232*, p. 1.

2.26 Having tasted success in business in the UK, Mr Barton Guthrie reflected:

To give it all up with a view towards starting in business all over again back home struck me/us as being too great a decision to make (and a possibly risky one).<sup>44</sup>

2.27 Or as Dr Richard Whitfield told the Committee, after two years in Hong Kong, he remained there because of work opportunities; after five years, he remained because of friendships he had built up; and now he remains because he believes, rightly or wrongly, that his working experience would not be adequately valued if he moved back to Australia.<sup>45</sup>

2.28 The above reasons for remaining abroad are, again, not mutually exclusive. Some expatriates may also have a genuine fear of returning, particularly if they have lost their connections. Many doubted they would find any job, let alone a well-paying or satisfying one. Some expatriates stay abroad because they felt they have no other option, due to family illness or commitments. Some stay abroad unhappily. Others felt that they would be the victim of the tall poppy syndrome (which some have dubbed the 'foreign poppy syndrome') on their return to Australia.<sup>46</sup> The decision to go abroad, to stay abroad or to return to the homeland is, essentially, an individual decision, and one which will reflect the individual's personal life priorities.

### **Still call Australia home?**

2.29 Before engaging in a consideration of the public policy issues concerning expatriates, the Committee was interested to learn whether they regarded Australia as their homeland. Based on the responses to this inquiry, the answer overwhelmingly was 'yes'.

2.30 Many submitters provided instances of their continuing attachment to Australian ways, and things Australian. Some noted that it has become much easier in recent years to maintain links with Australia. For example, Dr Jill Walker submitted that:

In many ways it's become easier to be an Australian abroad now than it was when I was growing up. The cost of calling home has dropped dramatically, and email and the web make it so much easier to keep up with what's going on in Australia. Even travel is cheaper and easier ...<sup>47</sup>

---

44 *Submission 412*, p. 10.

45 *Submission 28*, p. 1.

46 See, for example, Mr Brad Tyler-West, *Submission 117*; and Ms Sally Goers Fox, *Submission 350*; see also Lowy report, p. 37.

47 *Submission 399*, p. 2.

2.31 Indeed, submitters frequently mentioned the Internet, as a means of keeping in touch with family, friends and Australian news and events.<sup>48</sup> As Professor Hugo observed:

... people going away these days can keep a much stronger linkage with the home country. Going overseas is no longer as big a cut from the homeland as it previously was. In all the qualitative interviews I did with Australians overseas I was struck by how up they were with things in Australia, through the Internet and through reading newspapers at the same time as people in Australia read them. They knew the football scores. They knew what was happening in politics. So they could engage very readily with the home community.<sup>49</sup>

2.32 The Hugo survey also sought to ascertain how many of his sample of expatriates still called Australia home. The survey found that 79.3 per cent did so, with women more so than men (84.7 per cent to 75.1 per cent). Not surprisingly, this weakened with time away – only 67 per cent of those who left before 1990 said yes; and only 53 per cent of respondents aged 65 or more agreed.<sup>50</sup> The Hugo report found that:

... the majority [of expatriate Australians] have definite plans to return to Australia and the great majority (even of those who intend to remain overseas) still consider Australia home and have very strong commitments and feelings toward Australia.<sup>51</sup>

## Implications for Australia

### *Brain drain or brain gain?*

2.33 We live in mobile times. Impediments to overseas travel and employment have increasingly been removed and most governments of advanced economies are facilitating the movement of skilled persons across their borders. As a consequence, there has been a massive increase in the international transfer of highly skilled managerial and professional workers.<sup>52</sup> It is by no means a uniquely Australian phenomenon.

2.34 While a large number of skilled Australian workers emigrate overseas every year, it appears that this loss is more than offset by the arrival of skilled migrants to Australia. DIMIA's submission indicated that, over the past five years, Australia has increasingly experienced a net gain of skilled migrants. For example, 'the net inflow of

---

48 See, for example, Mr Raymond Viers, *Submission 367*, p. 2; Ms Allison Bennett, *Submission 474*, p. 2; and Mr Mark Pennay, *Submission 623*, p. 2.

49 *Committee Hansard*, 28 July 2004, p. 2.

50 Hugo report, p. 46.

51 *ibid.*, p. 20.

52 Organisation for Economic Co-operation and Development (OECD), *International Mobility of the Highly Skilled*, OECD, 2002.

skilled workers in 2002-03, as a result of immigration and emigration, was some 36,260.<sup>53</sup> Other recent research has also concluded that the overall balance of movement of skilled persons (defined as those reporting managerial, professional, associate professional and trade occupations) remains in Australia's favour. This is despite a loss of skilled Australian residents over the five-year period to 2002-03, equivalent to about five per cent of the stock of employed professionals in Australia as of 2001.<sup>54</sup> However, it appears that Australia has suffered a net loss in the category of 'other natural and physical science professionals' of around 11 per cent.<sup>55</sup> The Hugo report also concluded that 'overall, Australia undoubtedly experiences a brain gain.'<sup>56</sup> Professor Hugo reiterated this in evidence to the Committee: 'Quantitatively, we do have a net gain from migration; there is no question of it'.<sup>57</sup>

2.35 At the same time, the qualitative impacts of the flow of skilled workers are less certain. As the recent Lowy report explained, 'Australian and foreign workers may not be perfect substitutes'.<sup>58</sup> Similarly, the Hugo report cautioned that 'the differences between incoming and outgoing flows in levels and types or expertise and training need to be distinguished'.<sup>59</sup> Professor Hugo suggested that:

... we do not know too much about the people who go. If those people are the brightest and the best—if they are that really top group of achievers; if they are the people who, if they stayed here, could really make the difference in making the social and economic breakthroughs which improve the country—then one person does not equal one person ... I would really like a more nuanced understanding of who is leaving.<sup>60</sup>

2.36 Professor Hugo concluded that we still need to gain a better understanding of 'how we are being impacted by this new migration'.<sup>61</sup>

### ***The Committee's view***

2.37 Clearly, the expatriates phenomenon is significant and the trend towards greater international movements and an increasingly globalised workforce is likely to continue. This presents both opportunities and new considerations for Australian policymakers. For example, expatriates could be seen as an 'underutilised national

---

53 *Submission 656*, p. 4.

54 B Birrell et al., *Skilled Movement in the New Century: Outcomes for Australia*, Centre for Population and Urban Research, Monash University, 2004, p. 50.

55 *ibid.*, pp.14-15; see also Lowy report, pp. 28-30.

56 Hugo report, p. 37; see also Professor Hugo, *Committee Hansard*, 28 July 2004, p. 9.

57 *Committee Hansard*, 28 July 2004, p. 9.

58 Lowy report, p. 29.

59 Hugo report, p. 13; see also Mr John MacGregor, *Committee Hansard*, 29 July 2004, p. 6.

60 *Committee Hansard*, 28 July 2004, p. 9.

61 *ibid.*

asset'.<sup>62</sup> At the same time, the needs and concerns of this considerable portion of the Australian community must also be considered.

2.38 Some of the opportunities and issues presented by the expatriates phenomenon will be considered in subsequent chapters of this report. However, the next chapter will first consider the size of the Australian expatriate community, and how this number is determined.

---

62 Dr Rowan Gilmore, *Committee Hansard*, 27 July 2004, p. 1.



# CHAPTER 3

## THE EXTENT OF AUSTRALIA'S EXPATRIATE COMMUNITY

3.1 This chapter examines:

- how the number of Australian expatriates is determined and reasons why this number is difficult to determine accurately; and
- what might be done in the future to determine more accurately the number of Australian expatriates.

### **Determining the extent of Australia's expatriate community**

3.2 Traditionally, the national population of Australia has been counted as those who are resident in Australia on the night of the population census.<sup>1</sup> The Australian Bureau of Statistics (ABS) informed the Committee that the Australian Census is conducted on a 'de facto' basis which counts all people who are actually in Australia on census night, regardless of where their usual residence might be, and does not count any Australian residents or citizens overseas on census night.<sup>2</sup> Then, for official population purposes, those residents overseas on census night for less than 12 months are added back into the population using information from passenger cards provided by DIMIA, and overseas visitors in Australia for less than 12 months are excluded.<sup>3</sup>

3.3 Australians who have moved overseas on a permanent or long-term basis are not included in the Australian Census. This may be particularly pertinent given that, according to the Hugo report, 'the bulk of these people have retained Australian citizenship, especially since dual citizenship was introduced in 2001.'<sup>4</sup> Further, as outlined in Chapter 2, the majority of these people also still consider Australia to be their home. The Hugo report also argued that, given modern globalisation, it may be appropriate for Australia to seek alternative conceptualisations of what constitutes its national population.<sup>5</sup>

3.4 The Hugo report presented evidence from the Department of Foreign Affairs and Trade (DFAT) which estimated the number of Australian citizens living on a long-term or permanent basis in other countries as being 858,886 as at 31 December 2001. This is equivalent to 4.3 per cent of the 2001 resident population.<sup>6</sup> In addition,

---

1 Hugo report, p. 19.

2 *Submission 645*, p. 1.

3 *ibid.*

4 Hugo report, p. 20.

5 *ibid.*, p. 19.

6 *ibid.*

DFAT identified a further 264,955 shorter-term 'visiting citizens'.<sup>7</sup> The Committee notes that this is a significant number of Australians.

3.5 The SCG drew the Committee's attention to apparent discrepancies in DFAT data in relation to the number of Australian expatriates. For example, the SCG noted that the DFAT White Paper entitled *Advancing the National Interest* of 12 February 2003 stated that the number of Australians living overseas is estimated to be 720,000.<sup>8</sup> In its submission to this inquiry, DFAT estimated the number of Australians resident overseas as 759,849 for the period 2002-2003. However, DFAT stressed that this was an estimate only as it was not possible to obtain figures on Australian residents from all countries.<sup>9</sup>

3.6 In its submission to this inquiry, DFAT noted that, while the Australian expatriate community is large, it is difficult to quantify. Due to the diversity and the number of countries Australians reside in, it is difficult to obtain reliable data in relation to the number of Australian expatriates.<sup>10</sup> According to DFAT, the Australian expatriate community:

... includes a highly transient population of young students, volunteers and working holiday makers as well as senior, successful long term residents and dual nationals, some of whom have a high profile in government, business, the arts, sport, the media, and academia across the globe.<sup>11</sup>

3.7 DFAT informed the Committee that it 'uses what sources it can to estimate the size of expatriate communities as a tool in providing protection, primarily in emergency situations, to Australians overseas'.<sup>12</sup> In particular, two sources are used: estimates from DFAT's overseas posts on the size of their respective Australian communities; and details of those Australians who register with DFAT.<sup>13</sup>

3.8 Overseas posts employ different strategies and sources to estimate the size of the Australian community in their respective jurisdictions. However, because of the different methods of collecting this information in each country, 'no direct comparison can be made between data provided by different countries'. Further, for many Australian overseas posts, such as in the UK and most of Europe, reliable sources of data are not available since some countries have made decisions to cease collecting those data.<sup>14</sup> DFAT presented evidence to the Committee showing that, as at 13

---

7 *ibid.*

8 *Submission 665*, Appendix G, footnote 2, p. 2.

9 *Submission 646*, pp. 5-6.

10 *ibid.*, p. 4.

11 *ibid.*, p. 3.

12 *ibid.*

13 *ibid.*

14 *ibid.*

---

February 2004, the number of Australians staying in an overseas country for more than three months who registered with an Australian post was 88,711.<sup>15</sup>

3.9 DFAT noted that passport issue and voting statistics, and numbers of Australians in receipt of Centrelink pensions are useful in helping to estimate the size of the long-term resident community. However, it is difficult for DFAT to provide a realistic estimate of Australians who are also dual nationals of their country of residence because they are rarely identified as Australian. For example, passport issue statistics indicate that there is a significant Australian dual national population in, for example, the UK, Greece, Italy, Lebanon and Vietnam.<sup>16</sup>

3.10 DFAT also has an online register of Australians overseas (ORAO) where Australians who wish to register may do so. This registration information helps DFAT locate Australians in an emergency and is also used actively to send important information to each Australian registered. DFAT encourages use of the online register by Australians planning to reside overseas for extended periods, and those travelling to locations where there are security risks as outlined in DFAT travel advisories. Each of DFAT's 143 destination-specific travel advisories promotes the ORAO registration system and encourages all Australians (expatriates or travellers) to register.<sup>17</sup>

3.11 DFAT informed the Committee that, ultimately, 'the utility of ORAO is a function of the number of people who choose to register'.<sup>18</sup> DFAT estimates that, based on available figures, approximately 14 per cent of Australians residing overseas choose to register. However, there are a number of reasons why Australians do not register, including because they are dual nationals or they are residing in certain countries that may have local support systems available to them.<sup>19</sup>

3.12 Concerns about privacy may be another reason why some Australians do not register. DFAT assured the Committee that information provided by those who register is strictly protected by the *Privacy Act 1988* and is not shared without express permission. Further, DFAT 'adhere(s) strictly to the purpose for which information was given, which is to be able to contact Australians overseas in an emergency or with critical information'.<sup>20</sup>

3.13 Ms Lara Cummings, an expatriate living in Spain, argued that the extent of the number of Australian expatriates is:

... obviously highly significant and ought to be accounted for and considered through Australian government and institutional policies. The

---

15 *ibid*, p. 5.

16 *ibid*.

17 *ibid*, p. 6.

18 *ibid*.

19 *ibid*.

20 *ibid*.

estimated million Australian expatriates should also be understood to be a very diverse group which does not predominantly consist of high earning executives but includes a very diverse range of individuals from scientific and academic researchers, teachers and nurses to volunteer workers and fruit pickers.<sup>21</sup>

3.14 In response to questioning at one of the Committee's public hearings, a representative from DIMIA noted the difficulties in determining at what particular point an expatriate becomes an expatriate for 'official' purposes. He also spoke of his own experiences living and working overseas:

That is a very difficult question to answer. Even for young backpackers who go on working holidaymaker programs and work in pubs in England for 12 months, it does not take long for them to regard themselves as Australian expatriates working overseas, whereas you have other people working in New York for 20 years. So you have one extreme to the other. I have served overseas with the Australian government and I felt like an expatriate even though I had very direct and regular connection with Australia. Your sense of Australianness is enhanced the minute you leave the country. It is very difficult to answer your question, and certainly there is no way for us to make judgments about when a person feels that they have become an expatriate.<sup>22</sup>

3.15 The Hugo report noted that estimates of the number of expatriates may be inaccurate because, for example, some Australians are effectively working and living overseas but return to Australia at least once a year and still regard Australia as a permanent place of residence. However, such Australians are regarded by DIMIA statistics as 'short-term' departures. The Hugo report argued that, based on anecdotal evidence, this phenomenon is rising (particularly in the US and Asia).<sup>23</sup>

### **Possible ways of more accurately determining the number of Australian expatriates**

3.16 The Hugo report made the point that the increased mobility of Australians throughout the world raises some fundamental questions about who should be included in any count of Australia's population.<sup>24</sup> For example:

Should we be attempting to count the population who identify themselves as Australians, regardless of where they happen to be on the night of the census? ... Should we be looking to new conceptualisations of national populations?<sup>25</sup>

---

21 *Submission 610*, p. 1.

22 *Committee Hansard*, 29 July 2004, p. 34.

23 Hugo report, p. 28.

24 *ibid*, p. 19.

25 *ibid*.

3.17 The Senate Foreign Affairs, Defence and Trade Committee's report, *The (not quite) White Paper, Australia's foreign affair and trade policy, Advancing the National Interest*, asserted the view that it is important that accurate figures are available, and that the Australian Census should provide for the inclusion of expatriate Australians in its statistics. That Committee was of the view that four percent of the population is no small number of people and, to the extent that an important purpose of census data is to enable governments and private sector decision-makers to plan for the future, the inclusion of accurate data on expatriates is vital.<sup>26</sup>

3.18 The Senate Foreign Affairs, Defence and Trade Committee recommended that the ABS develop mechanisms for accurately enumerating the numbers of Australian citizens living overseas, with a view to facilitating their full participation in the Australian Census. In its submission to this inquiry, DFAT expressed support for this recommendation because 'it would be useful to have more accurate and robust data on which to base consular contingency planning'.<sup>27</sup>

3.19 The ABS submission to this inquiry echoed the *Government Response to the Senate Foreign Affairs, Defence and Trade References Committee Report* in which that Committee's recommendation on the issue was not accepted.<sup>28</sup> In this inquiry, the ABS informed the Committee that it has no current plans to include overseas Australians in the 2006 Australian Census because 'this is not regarded as practical, nor is a quality outcome achievable'.<sup>29</sup> The ABS argued that 'unsuccessful' attempts by Canada and the US to include overseas citizens in past censuses support its position in relation to this matter. According to the ABS, these censuses were only able to include a small proportion of citizens living overseas.<sup>30</sup> The ABS argued further that, in any case, collection of information from people overseas 'could only ever be on a voluntary basis using media announcements asking people to register for a population census form'.<sup>31</sup>

3.20 The ABS submission also informed the Committee that the ABS publishes monthly statistics in *Overseas Arrivals and Departures, Australia*<sup>32</sup> on the number of Australian residents leaving Australia for overseas and returning from overseas. These statistics are based on information from outgoing and incoming passenger cards provided by DIMIA. Selected characteristics are available on request including age, sex, duration of stay/absence, country of citizenship on passport, and country of where

---

26 Senate Foreign Affairs, Defence and Trade References Committee, *The (not quite) White Paper, Australia's foreign affair and trade policy, Advancing the National Interest*, December 2003.

27 *Submission 646*, p. 4.

28 [http://www.dfat.gov.au/dept/senrep\\_wp.html](http://www.dfat.gov.au/dept/senrep_wp.html) (accessed 9 September 2004), pp. 3-4.

29 *Submission 645*, p. 1.

30 *ibid.*

31 *ibid.*

32 ABS cat. no. 3401.0.

most time was or will be spent. The ABS noted that, while these statistics do not provide a stock of Australians living overseas, they do provide information on trends in the flow of Australian's travelling overseas and those returning over a long time series.<sup>33</sup>

3.21 In evidence at one of the Committee's hearings, a representative from DIMIA emphasised the importance of the information provided on passenger cards:

Going back to the passenger card, when people leave they will tell us what their intention is. That ranges from: 'Yes, I am going for good and I am never coming back,' to, 'I am going for less than a year.' The one in the middle is: 'I am going for more than a year, but not for good.' In a technical sense, we call those people who go for more than a year 'long-term departures'.

We now have the capacity to track people not only in a sort of a net aggregate sense—that is, counting the number out and counting them back—but to count individuals and to trace whether that person who said they were going to go for good actually did. We can only go back a short number of years to do that. That is about as far as it goes. So we do have a fairly good sense of how many people are overseas long term and permanently and we also have a pretty good sense of how many people who go and state they are going to do that actually come back within a fairly short time.<sup>34</sup>

3.22 Professor Hugo also observed in evidence to the Committee that:

In Australia we are probably better off than any other country in the world in looking at our diaspora, partly because we are one of the very few countries that has an outgoing passenger card ... I believe that there is a great deal of opportunity in the future to use that information in more innovative and intensive ways to get more of a handle on what the diaspora is like and what its scale is.<sup>35</sup>

3.23 However, the SCG submitted that information from DIMIA arrival and departure cards is limited.<sup>36</sup>

3.24 The ABS also told the Committee that it is currently taking part in a trial project being undertaken by the Organisation for Economic Co-operation and Development (OECD). This project aims:

... "to embark collectively on a joint compilation of available data on the stock of immigrants in OECD countries". This trial will be drawing on data from a variety of sources in each country including censuses, population registers and surveys, and has the possibility of being a cost effective

---

33 *ibid.*

34 *Committee Hansard*, 29 July 2004, pp. 34-35.

35 *Committee Hansard*, 28 July 2004, p. 1.

36 *Submission 665*, Appendix G, p. 4.

---

method of obtaining information on Australians living in other OECD countries.<sup>37</sup>

3.25 The SCG was highly critical of the approach taken by the ABS, particularly in relation to the exclusion of a large number of expatriates from the Australian Census:

Every Australian overseas is an unofficial ambassador for Australia. A significant and major way in which expatriate Australians have been dismissed comprises the failure by the ABS to engage in any work to date to enumerate overseas Australians or ascertain further statistical information about them. Not only have overseas Australians been excluded from the Census, but there has also been no separate survey work focussing on this significant percentage of Australian citizens.<sup>38</sup>

3.26 While acknowledging that counting overseas Australians, whether in the Australian Census or by other means, would not be easy, the SCG argued that the approach of the ABS needs to change. The SCG argued that counting overseas Australians:

... is of national importance, because we know today that the number of Australians overseas ... is approximately equivalent to 5% of the Australian resident population. While this figure is only an estimate, it cannot be ignored.<sup>39</sup>

3.27 The China-Australia Chamber of Commerce (AustCham Beijing) submitted that it has been unable to obtain an accurate figure on the size of the Australian population in China from either the Australian or Chinese Governments. In its view, the Australian Government should consider conducting a census to gauge the size and spread of Australian expatriates. Further, it submitted that there is a need for ongoing research into the needs of the Australian expatriate population since it is a 'dynamic' group with often frequent movement between cities and countries. According to AustCham Beijing, some of the many questions to be answered include:

Who are our expats? Where are they? How old are they? What do they do? What level of education do they have? What languages do they speak? Do they have kids? Do they have health insurance?<sup>40</sup>

3.28 Part of the SCG's submission to this inquiry included a copy of its submission to the ABS 2003 Information Paper on the 2006 Census of Population and Housing. The SCG made a number of suggestions in relation to how Australian expatriates might eventually be included in the Australian Census. For example, the SCG put forward that Australians in Australia on census night in 2006 should be asked to identify whether they have immediate Australian-citizen family members normally

---

37 *Submission 645*, p. 1.

38 *Submission 665*, Appendix G, p. 1.

39 *ibid*, p. 2.

40 *Submission 637*, p. 1.

living overseas, and to identify where these individuals are living. The SCG argued that this is particularly important given that present information from DFAT is inconsistent and, in any case, will only ever be a very rough estimate based on consular activity.<sup>41</sup>

3.29 The SCG submitted that expatriate Australians should be included in the census because 'Australians working overseas play an important and growing role in improving the international competitiveness of Australia' and they 'contribute economically, politically and culturally to Australia'. The SCG also argued that in the interests of fairness, expatriate Australians should be included in the census:

Many pay taxes in Australia, own property in Australia and have strong and continuing relationships with family and friends in Australia. It is undesirable and not in the national interest to exclude the Australian Diaspora from the Census. Australians abroad have a right to equal treatment.<sup>42</sup>

3.30 However, the Committee understands that a 'test' census held in 2004 by the US of its citizens based in three foreign countries (in preparation for the 2010 US census) was not as successful as hoped.<sup>43</sup>

3.31 In his evidence to the Committee, Professor Hugo also expressed doubt about the proposal to include expatriate Australians in the Australian Census:

I think that it may be more advisable to undertake a survey of some kind of the expatriate community ... that would probably be a better way to find out about the expatriate community than an attempt to include it in the five-yearly census.<sup>44</sup>

### ***The Committee's view***

3.32 The Committee considers that expatriate Australians should be considered as part of the Australian community. The Committee also recognises that it would be desirable to improve the methods of determining the number of expatriate Australians.

3.33 However, the Committee does not believe that it is necessary or desirable to attempt to include expatriate Australians in the Australian Census. The Committee agrees with the ABS that including expatriate Australians in the census presents considerable practical difficulties, and any data obtained would be of questionable

---

41 *Submission 665*, Appendix G, p. 4.

42 *ibid*, p. 7.

43 Statement by Charles Kincannon, Director, US Census Bureau, *Counting Americans Overseas: Lessons Learned From the 2004 Overseas Enumeration Test*, 14 September 2004, <http://www.census.gov/Press-Release/www/2004/testimony9-14-04.html> (accessed 19 November 2004); see also the Lowy report, p. 72.

44 *Committee Hansard*, 28 July 2004, p. 5.

quality. The Committee also notes that attempts made overseas to include overseas citizens have been not been very successful.

3.34 In the Committee's view, the ABS and DIMIA should continue their existing efforts to improve the statistical information in relation to Australian expatriates, particularly through the use of information from incoming and outgoing passenger cards. The Committee also encourages the ABS in its involvement in the trial project by the OECD, which could prove to be a useful and cost-effective means of obtaining data about Australians living in OECD countries.



# **CHAPTER 4**

## **COMMUNICATION, POLICY FORMULATION, AND THE ROLE OF GOVERNMENT**

4.1 In the course of the inquiry the Committee received evidence that expatriate Australians have a wide range of concerns, including taxation issues, superannuation, medical insurance, social security, and repatriation. This chapter, however, focusses on evidence of a single overarching concern about difficulties obtaining access to information, in relation to all of these issues. Many felt that governments, in particular the Federal Government, could be doing a much better job of disseminating information and communicating with expatriates.

4.2 This chapter also discusses concerns that there is a lack of coordination of government policy in relation to expatriates. Specific areas of concern in relation to policy areas are discussed in following chapters.

### **Communication, access to information, and use of the Internet**

4.3 Expatriates are affected by, and need information about, a wide range of government services, including:

- citizenship;
- voting eligibility and access;
- taxation;
- social security;
- agreements with other countries about taxation, social security, working holidays and other matters;
- expatriate return schemes; and
- Australian consular services in the country in which they reside.

4.4 In this age of sophisticated information technology, the Internet is a key source of information about government services. Many Australians, both resident and non-resident, use the Internet to obtain information about and interact with government. For those Australians living overseas the Internet is crucial as a source of information.

4.5 Concern was expressed during the course of the inquiry that it was often difficult for expatriates to find relevant information online because services were provided by a wide range of departments and agencies, and it was often a challenge trying to pinpoint exactly where to go. The SCG submitted that:

While the standard of the individual Australian Government websites is very high by world standards, there are very few links between websites and to the uninitiated seeker of information they represent a tangled web which is difficult to penetrate without a detailed understanding of the Administrative Arrangements Order and the machinery and structure of Government.<sup>1</sup>

4.6 The SCG also observed that navigating this 'tangled web' of government websites is difficult even for those living in Australia, and the difficulties are multiplied for those outside Australia who do not have the ability to drop into a local shopfront.<sup>2</sup> Telephoning a toll-free number which is only accessible within Australia is also not an option.

### *A web portal?*

4.7 The submission from Advance - Australian Professionals in America (Advance) pointed out that there was a need for a central web portal targeted at expatriates:

There is no comprehensive portal which provides resources, via one portal (and not through a range of government departments), with respect to issues and materials of interest to expats, particularly those wishing to return home (e.g., re-entry requirements for spouses / partners; job opportunities; transferability of pension entitlements; taxation issues etc.).<sup>3</sup>

4.8 The Committee notes that the Federal Government maintains the website [www.australia.gov.au](http://www.australia.gov.au), which is the primary gateway for Australian government services and information. It includes (after navigating three clicks into the website) a page titled 'Australians Abroad'. Whilst this webpage is useful, it functions merely as a collection of links to government departments and agencies. DFAT's [www.smartraveller.gov.au](http://www.smartraveller.gov.au) website also includes a page of links, as well as a page of 'Essential information for Australians living and working overseas'. Again, however, it is difficult to navigate to these pages, with their presence not apparent when looking at the 'smartraveller' home page.

4.9 The Committee notes that the Federal Government has recognised the need to create and maintain dedicated web portals for specific groups of Australians. Under the 'Customer Focussed Portals Framework', a number of web portals have been developed which allow easy online access to government information and services for specific customer groups, in the one place, without users having to know which government agency to contact.

---

1 *Submission 665*, p. 151.

2 *ibid.*

3 *Submission 676*, p. 37.

---

4.10 According to the body responsible for these web portals, the Australian Government Information Management Office (AGIMO), the framework has been developed in recognition of the rapid growth of the Internet and the confusion that may result for users when trying to find information.<sup>4</sup> This new framework is in addition to the Australian government's existing web presence:

These portals will not replace the existing set of agency-based and subject-oriented websites. The portals will complement these sites and place them in a customer-oriented framework.<sup>5</sup>

4.11 Web portals already developed include sites for the following groups:

Regional Australians	<a href="http://www.regionalaustralia.gov.au">www.regionalaustralia.gov.au</a>
Seniors	<a href="http://www.seniors.gov.au">www.seniors.gov.au</a>
Indigenous Australians	<a href="http://www.indigenous.gov.au">www.indigenous.gov.au</a>
Families	<a href="http://www.families.gov.au">www.families.gov.au</a>
Community groups	<a href="http://www.community.gov.au">www.community.gov.au</a>

4.12 The web portals are specifically created for their customer groups, and each has been developed by a consortium of agencies headed by a lead agency. The Community Portal, for example, is administered by the Department of Family and Community Services (FaCS). The portals include informative pages on issues of relevance, written specifically for the target group by the responsible agency, rather than just providing a link to that responsible agency. Some of the portals include additional capabilities, such as the ability for groups to have their own websites linked in to the portal (for example the Families Portal), and the inclusion of a discussion board, where users can discuss issues and share ideas (for example the Regional Portal).

4.13 The Committee notes that expatriate Australians are a growing customer group that would greatly benefit from the existence of a web portal. This is especially so, given that physical distance prevents them from access to government offices. A web portal for expatriates could include the following:

- news from Australia directly relevant to expatriates, for example regarding changes in citizenship laws, voting registration for overseas voters, and changes in tax law relevant to overseas taxpayers;
- links to websites of expatriate groups and community forums;

---

4 AGIMO website <http://www.agimo.gov.au/services/portals/> (accessed 26 November 2004).

5 'Customer Focused Portal Framework', available at AGIMO website <http://www.agimo.gov.au/services/portals/framework> (accessed 26 November 2004).

- links to professional groups that foster interaction between expatriates and their counterparts in Australia;
- links to state government websites that give information about state-sponsored schemes for creating business and professional linkages between expatriates and Australian academic institutions and business groups;
- discussion forums for expatriates;
- information about all government services that affect expatriates, such as taxation, superannuation, and health insurance; and
- links to overseas missions, and to mission-based online profile registration as discussed below.

4.14 The SCG and Advance also suggested that a regular email newsletter could be issued with news of particular interest to expatriates, such as changes in legislation affecting them, and arrangements for forthcoming elections.<sup>6</sup> Expatriates could subscribe to this newsletter through the web portal.

#### ***Enhancing mission websites?***

4.15 The Committee received evidence of useful collaborations between expatriate Australians and their local foreign missions in promoting Australia's interests overseas. Evidence was also received, however, that there was potential for improved communication between mission staff and expatriates. This matter, and discussion of the wider issue of the relationship between overseas posts and Australian expatriate communities is discussed in Chapter 9.

4.16 The Committee notes that websites for Australian foreign missions include a range of information for Australians overseas, and all include a link to the DFAT online registration service (ORAO). As discussed earlier in this report, ORAO is focussed on the need to be able to contact Australians in the event of an emergency.

4.17 The Committee considers that there is potential for missions to engage more with local Australian expatriates, and at the same time to better utilise their skills. Consideration should be given to a system of online registration additional to ORAO, whereby expatriates could register online with their local mission. This arrangement would allow expatriate Australians to register as having specialist skills in certain areas or professions, or as working or living in particular geographic regions.

4.18 The establishment of such a system of online profile registration would enable missions to establish a useful database of skilled local Australian expatriates, available to be called on in relation to activities promoting Australia and Australian business. Missions could also use this register to provide notification of upcoming events and

---

6 SCG, *Submission 665*, p. 153; Advance, *Submission 676*, p. 48.

business opportunities. The Committee notes DFAT's concerns that any expansion of the departmental emergency-contact focussed ORAO registration service may undermine the effectiveness of ORAO as a crisis management tool.<sup>7</sup> The proposed profile database should not affect ORAO: it would be separate from ORAO and would be mission-based.

4.19 The Committee notes that at least one government at the state level has responded to the expatriate phenomenon, and has initiated a system of online profile registration as part of its response. The Victorian government has established a multi-purpose network, the Victorian Expat Network (VEN), with a website which aims to facilitate international collaboration, build business opportunities and encourage knowledge exchange. The website allows members of the network to register their skills profiles online. Some 300 members have registered with VEN, half of whom are based in the US.<sup>8</sup> The network also provides expatriate members with news and information about Victoria and issues monthly electronic newsletters.

### **Lack of coordination of government policy**

4.20 A number of submissions observed that issues of concern to expatriates were the responsibility of many different government agencies. Some also expressed concern that there was no coordination of government policy. This was despite evidence that the expatriate population is large, and continuing to grow. For the many expatriates who felt very strongly linked with Australia, this lack of recognition added to a sense of exclusion. The SCG submitted:

... responsibility for the many and varied issues of concern to [expatriates] [is] fragmented across a wide range of Commonwealth Government agencies. Frequently one feels there is a culture in the agencies that follows the over there, out of mind philosophy that seems to be prevalent in the general populace. Add to this the difficulty in tracking down information at the State and local government level, and it is not surprising that many in the Diaspora have a feeling of exclusion from their homeland.<sup>9</sup>

4.21 The sense of exclusion created by a perceived lack of government coordination of service delivery translates into a wider, symbolic sense of being left out. The Lowy report describes the way the leaders of some countries reach out and embrace their expatriate populations rhetorically, making addresses affirming their citizens abroad as 'a rich source of international influence and goodwill' (Ireland),<sup>10</sup> and as

---

7 DFAT, *Submission 646*, p. 7.

8 Ms Faye Burton, *Committee Hansard*, 28 July 2004, p. 27.

9 *Submission 665*, p. 152.

10 Irish Taoiseach Bertie Ahern quoted in the Lowy report, p. 47.

'ambassadors in the countries you have chosen to make home.' (India)<sup>11</sup> The Lowy report contrasts this inclusive approach with the 'muted' response of Australia's leaders:

Australian leaders ... have been relatively muted on the subject of the diaspora. Prime Minister John Howard and Foreign Minister Alexander Downer have spoken about the importance of protecting Australians abroad, but there has been no coordinated effort to embrace the diaspora rhetorically.<sup>12</sup>

4.22 The Lowy report suggests that Australia's national leaders need to articulate clearly the value Australia places on its expatriates, thus drawing them 'more fully into the mainstream of our national life.'<sup>13</sup>

4.23 A number of submitters called for the development of a formal expatriates policy by the Federal Government. Professor Hugo was one of them. In an increasingly globalising world, and with roughly one-twentieth of our population not within our national borders, he saw the need for a policy which paved the way for a greater inclusion of expatriates in the national culture and which increased the strength of the linkages between expatriates and Australia.<sup>14</sup>

4.24 Professor Hugo also called for more research into the expatriates phenomenon to assist with policy development.<sup>15</sup> The Advance organisation noted the trends revealed by Professor Hugo's initial research and called for additional demographic research to complete the profile of the Australian expatriate community. Advance further recommended research to establish the economic contribution of the expatriate community to Australia.<sup>16</sup>

4.25 Advance submitted that a coordinated approach to expatriates policy was needed:

We recommend Australia develop a comprehensive emigration policy. This policy needs to consider the following issues:

- Means to ensure that Australia remains an attractive destination for the world's professionals, scientists, artists and entrepreneurs and home grown talent in particular;

---

11 Indian Prime Minister Vajpayee quoted in the Lowy report, p. 47.

12 Lowy report, p. 47.

13 *ibid.*, p. 47.

14 Hugo report, p. 72.

15 *Committee Hansard*, 28 July 2004, p. 4.

16 *Submission 675*, p. 48.

- 
- Means to ensure that Australians abroad are assisted in keeping in touch with Australia, its interests, development and endeavours;
  - Obstacles to the return of home grown talent are removed;
  - Active strategies are employed to engage Australians abroad in Australian commercial, artistic and scientific development of Australia.<sup>17</sup>

4.26 A number of suggestions were made as to ways to address this lack of coordination of policy. Some submissions referred to measures taken by other countries regarding their expatriates, and drew attention to the existence in some countries of administrative and policy units dedicated to expatriates' affairs. Chapter 8 of this report considers arrangements in other countries.

4.27 Several proposals were made to the Committee for some kind of Federal Government unit dedicated to coordination and development of policy in relation to Australian expatriates. Advance recommended a unit for expatriate affairs, under the foreign affairs or science and technology portfolios, with a steering committee comprising representation from Austrade, Invest Australia, the Australian Tourism Commission, the Australian Wine Bureau, and the departments covering education, technology, industry and science.<sup>18</sup>

4.28 Professor Hugo also saw merit in the establishment of a coordinating unit across several government agencies, probably residing administratively under DFAT.<sup>19</sup> In identifying the lack of a coordinated government approach to interacting with the expatriate community, the Lowy report argued that the bureaucratic focus needed to be sharpened, and recommended the creation of a coordinating unit within DFAT.<sup>20</sup>

4.29 While recognising the need for a coordinating body, the SCG took a slightly different administrative approach, recommending the establishment of an 'Australian diaspora council' to coordinate legislation and policy directly affecting Australians overseas.<sup>21</sup> Ms Anne MacGregor expanded on the proposal:

What we would like to see initially established is some type of council with representatives from Australian agencies and, perhaps, important Australian community groups, as well as Australian groups and individuals overseas ... that would firstly be a focal point for, perhaps, developing a web portal that coordinated all the useful information from all the different agencies and other organisations. There could also be a point of reference for those who

---

17 *Submission 676*, p. 47.

18 *Submission 676*, p. 48.

19 *Committee Hansard*, 28 July 2004, p. 8.

20 Lowy report, pp. 49-50.

21 Mr John MacGregor, SCG, *Committee Hansard*, 29 July 2004, p. 3.

had particular diaspora issues. Complaints and suggestions and so forth could be focused and sent in to that body. That body could also conduct research as to how the diaspora might be politically represented in Australia in the long term ...<sup>22</sup>

4.30 In response to the suggestion of a dedicated expatriates unit, a representative of DFAT commented:

The question of whether a case can be made for some part of the bureaucracy here to manage the interests of the expatriate community is not something that DFAT has given any particular thought to, but I think it would depend very much on how you defined the role of that kind of body.<sup>23</sup>

4.31 The DFAT representative went on to comment that any role involving the advocacy of the interests of Australian expatriates was 'well beyond the competency of DFAT'.<sup>24</sup>

4.32 Suggestions were also made for dedicated representation of expatriates at the ministerial level. The Australian New Zealand American Chambers of Commerce (ANZACC) called for the appointment of a junior minister to represent the special interests of expatriates, an appointment which 'would be a clear signal to Australian expatriates that the government is taking their needs seriously'.<sup>25</sup> Representatives of the Victorian Government put forward a similar proposal, telling the Committee:

[Appointment of a minister] would provide recognition of the role that the expatriate community can play as ambassadors for Australia, enable the development of a coordinated policy and strategies for maximising the value of the expatriate community to Australia's economic, social and cultural interests, and augment the efforts of state governments and the private sector and encourage resource-sharing and coordination of efforts between the Commonwealth and the states.<sup>26</sup>

4.33 The Committee notes the suggestions put forward, and agrees that there is a need for a coordinated Federal Government response to address the needs and concerns of the growing community of Australians living overseas. The increasing global movement of Australian citizens has ramifications not just for Australia's place in the global economy, but also for our understanding of ourselves as Australians and how as a society we embrace our citizenry. As such there is a clear role for the Federal Government.

---

22 *Committee Hansard*, 4 August 2004, p. 6.

23 *Committee Hansard*, 29 July 2004, p. 19.

24 *ibid.*

25 Mr Ron Delmenico, ANZACC, *Committee Hansard*, 28 July 2004, p. 39.

26 Ms Barbara Montjouris, Office of Multicultural Affairs, Victoria, *Committee Hansard*, 28 July 2004, p. 28.

4.34 The Committee supports calls for the establishment of a policy coordination unit focussed on expatriate affairs within the Federal Government, specifically within DFAT. As evidence in the following chapters will illustrate, there are many issues of concern for expatriates which reflect the need for such a body.



# CHAPTER 5

## THE LEGAL CONCERNS OF OVERSEAS AUSTRALIANS

5.1 This chapter examines the key legal concerns of overseas Australians in the areas of citizenship and voting.

### **Citizenship issues**

5.2 One of the most substantial issues raised during the Committee's inquiry was the loss of Australian citizenship, or potential to claim Australian citizenship, under provisions of the *Australian Citizenship Act 1948* (Citizenship Act). In particular, the Committee received many submissions from people who wanted to resume Australian citizenship, but had been unable to do so.

5.3 The first part of this chapter therefore considers some of the key issues relating to Australian citizenship, including:

- background and history of Australian citizenship laws;
- dual citizenship: the repeal of section 17 of the Citizenship Act and its consequences;
- dual citizenship: renunciation of citizenship under section 18 of the Citizenship Act;
- other specific citizenship issues; and
- information and education relating to citizenship.

5.4 The Committee acknowledges that, on 7 July 2004, the Hon. Gary Hardgrave MP, the then Minister for Citizenship and Multicultural Affairs (the Minister) announced several proposed changes to the Citizenship Act and released a fact sheet outlining the proposed changes.<sup>1</sup> A representative from DIMIA stated that it was hoped the proposed changes would be incorporated in legislation to be introduced into Parliament in 2005.<sup>2</sup> These proposed changes will be considered where relevant below, particularly as they may resolve some of the specific issues raised in submissions and evidence to the Committee.

---

1 The then Minister for Citizenship and Multicultural Affairs, the Hon. Gary Hardgrave MP, Media Release H128/2004, 7 July 2004; see also DIMIA, *Committee Hansard*, 29 July 2004, pp. 28-30.

2 *Committee Hansard*, 29 July 2004, p. 30.

### ***Background and history of Australian citizenship***

5.5 At Federation in 1901, 'Australian citizenship' as a legal status did not exist. There is no mention of citizenship in the Australian Constitution.<sup>3</sup> Rather, Australia's population comprised British subjects who were permanently residing in Australia, British subjects temporarily in Australia, and 'aliens'.<sup>4</sup> The legal status of Australian 'citizen' came into effect on 26 January 1949 under the *Nationality and Citizenship Act 1948*. The title of this Act changed in 1973 to the *Australian Citizenship Act 1948*.<sup>5</sup>

#### *What is citizenship?*

5.6 The Preamble to the Citizenship Act states:

Australian citizenship represents formal membership of the community of the Commonwealth of Australia; and Australian citizenship is a common bond, involving reciprocal rights and obligations, uniting all Australians, while respecting their diversity; and

Persons granted Australian citizenship enjoy these rights and undertake to accept these obligations

by pledging loyalty to Australia and its people, and

by sharing their democratic beliefs, and

by respecting their rights and liberties, and

by upholding and obeying the laws of Australia

#### *Privileges and responsibilities of Australian citizenship*

5.7 Australian citizenship carries with it a number of privileges and responsibilities. For example, Australian citizenship confers the right to:

- stand for public office or nominate for election to Commonwealth, state or territory parliaments (subject to section 44(i) of the Constitution);
- apply for an Australian passport and leave and re-enter the country without a visa;
- seek consular assistance from Australia's diplomatic representatives while overseas;
- apply for permanent employment in the Australian Public Service or enlist in the armed forces; and

---

3 Australian Citizenship Council, *Australian Citizenship for a New Century*, Canberra, 2000, p. 31.

4 K Rubenstein, *Australian Citizenship Law in Context*, Lawbook Co, Sydney, 2002, p. 10.

5 Australian Citizenship Council, *Australian Citizenship for a New Century*, Canberra, 2000, pp. 31-33.

- register children born overseas as Australian citizens by descent in certain circumstances.<sup>6</sup>

5.8 In return, Australian citizens are required to:

- obey the laws and fulfil their duties as an Australian citizen;
- enrol on the Electoral Register and vote at federal, state and territory elections and referenda;<sup>7</sup>
- serve on a jury, if called on; and
- defend Australia, should the need arise.<sup>8</sup>

5.9 These rights and responsibilities are subject to certain conditions and exemptions. For example, there are restrictions on enrolment and voting rights, which will be discussed later in this chapter. The Committee also notes that, for Australian citizens living overseas permanently, the extent to which those citizens can fulfil some of these responsibilities could be questioned.

*How is Australian citizenship acquired?*

5.10 Under the Citizenship Act, a person can become an Australian citizen in several ways, including by:<sup>9</sup>

- birth (if at the time of the person's birth in Australia, at least one parent is an Australian citizen or an Australian permanent resident);<sup>10</sup>
- descent (in certain circumstances, including if a parent is an Australian citizen and registers the child's name at an Australian consulate within 18 years of the birth);<sup>11</sup>
- adoption, if adopted by an Australian citizen;<sup>12</sup> or
- grant of citizenship.<sup>13</sup>

---

6 DIMIA, *Fact Sheet 90: Australian Citizenship*, <http://www.immi.gov.au/facts/90citizenship.htm> (accessed 13 September 2004).

7 Enrolment requirements relating to Australian citizens living overseas is discussed later in this chapter.

8 DIMIA, *Fact Sheet 90: Australian Citizenship*, <http://www.immi.gov.au/facts/90citizenship.htm> (accessed 13 September 2004); <http://www.citizenship.gov.au/why.htm#rights> (accessed 13 September 2004); Australian Citizenship Council, *Australian Citizenship for a New Century*, Canberra, 2000, Appendix 4, p. 111.

9 See also K Rubenstein, *Australian Citizenship Law in Context*, Lawbook Co, Sydney, 2002, p. 11.

10 *Australian Citizenship Act 1948*, s 10.

11 *Australian Citizenship Act 1948*, s 10B.

12 *Australian Citizenship Act 1948*, s 10A.

5.11 There are also provisions in the Citizenship Act which provide for resumption of citizenship in certain circumstances.<sup>14</sup> Where relevant, these provisions will be discussed further below.

*How is Australian citizenship lost?*

5.12 Australian citizenship can be lost in several ways under the Citizenship Act, including by:

- serving in the armed forces of a country at war with Australia;<sup>15</sup>
- deprivation – for example, where a person is convicted of migration fraud related to the grant of Australian citizenship;<sup>16</sup> or
- renunciation – a person may renounce Australian citizenship if they are 18 years or older and the holder of citizenship of another country.<sup>17</sup>

5.13 A child may also lose his or her Australian citizenship under section 23 of the Citizenship Act, if that child's responsible parent loses or renounces their citizenship.

5.14 Before 2002, Australian citizenship could also be lost by 'any act or thing, the sole or dominant purpose of which and the effect of which is to acquire the nationality or Citizenship of a foreign country'. This was under the now-repealed section 17 of the Citizenship Act, which will be considered further below.

***Dual citizenship: the repeal of section 17***

5.15 Section 17 was the subject of debate and review for many years prior to its repeal. In 1994, the Joint Standing Committee on Migration recommended that section 17 should be repealed, and that former Australian citizens who had lost citizenship should have the unqualified right to apply for the resumption of their Australian citizenship.<sup>18</sup> In 1995, the Federal Government released policy guidelines to make the requirements for resumption of citizenship lost under section 17 clearer and easier.<sup>19</sup>

5.16 In August 1998, the Australian Citizenship Council (ACC) was established by the then Minister for Immigration and Multicultural Affairs to advise on issues

---

13 *Australian Citizenship Act 1948*, s 13.

14 *Australian Citizenship Act 1948*, ss 23AA-23B.

15 *Australian Citizenship Act 1948*, s 19.

16 *Australian Citizenship Act 1948*, s 21.

17 *Australian Citizenship Act 1948*, s 18.

18 *Australians All: Enhancing Australian Citizenship*, September 1994, p. 207.

19 Former Minister for Immigration and Ethnic Affairs, Senator the Hon. Nick Bolkus, *New guidelines on resumption of Australian citizenship*, Media Release B76/1995, 25 August 1995.

relating to Australian citizenship policy and law.<sup>20</sup> In February 2000, the ACC published a report titled *Australian Citizenship for a New Century*.<sup>21</sup>

5.17 In its report, among other matters, the ACC examined section 17 of the Citizenship Act and considered whether Australian citizens should lose their citizenship on applying for and receiving citizenship of another country. The ACC received some submissions which argued that 'acquisition of another citizenship represented disloyalty to Australia'.<sup>22</sup> However, the majority of submissions received by the ACC were in favour of repealing section 17, arguing that acquiring citizenship of another country 'in no way diminishes' a person's commitment to Australia.<sup>23</sup> The ACC also noted that many other countries allow their citizens to obtain another citizenship without losing their original citizenship.<sup>24</sup> The ACC concluded that:

... to hold and enforce the threat of loss of Australian Citizenship over Australians who wish to live and work overseas in countries where acquisition of another Citizenship is important to their situation is to place a completely unnecessary obstacle in the way of expansion of Australian presence in other societies. The Council does not believe this to be a desirable position for Australia to place its Citizens. And equally important, it does not believe that to do so is in Australia's national interest.<sup>25</sup>

5.18 One of the ACC's key recommendations was therefore to repeal section 17 of the Citizenship Act so that Australian citizens would not lose their Australian citizenship on acquisition of citizenship of another country.<sup>26</sup> The ACC also found that 'existing resumption provisions are adequate for those who have already lost Australian Citizenship under section 17'.<sup>27</sup> As a result of the ACC's recommendations, and those of many others, including the SCG, the Citizenship Act was substantially amended in 2002. In particular, section 17 of the Citizenship Act was repealed.

5.19 Several submissions to this inquiry supported the full recognition of dual citizenship and the repeal of section 17.<sup>28</sup> However, many submissions argued the repeal of section 17 had left some 'residual' issues.<sup>29</sup> In particular, these submissions

---

20 ACC, *Australian Citizenship for a New Century*, Canberra, 2000, p. 3.

21 ACC, *Australian Citizenship for a New Century*, Canberra, 2000.

22 *ibid*, p. 61.

23 *ibid*, pp. 61-62.

24 *ibid*, p. 65.

25 *ibid*.

26 *ibid*.

27 *ibid*.

28 See, for example, Ms Michelle Kelleher, *Submission 600*, pp. 16-17; *Submission 459*, p. 1; SCG, *Submission 665*, p. 52.

29 See, for example, MidAtlantic Australian New Zealand Chamber of Commerce, *Submission 119*, p. 5; Sydney University Graduates Union of North America (SUGUNA), *Submission 193*, p. 5; SCG, *Submission 665*, pp. 51-89.

were concerned that numerous Australian citizens 'unknowingly' lost their Australian citizenship under this provision while it was in force, and had subsequently been unable to resume that citizenship.<sup>30</sup> For instance Ms Camille Hughes, who lost her citizenship under section 17, commented:

I am deeply saddened that my children and I no longer hold Australian citizenship and sincerely hope the Australian government sees fit to allow us to again become Australian citizens. It seems to me that far more inclusive citizenship law and policy ... is a logical and necessary prerequisite to fully embracing the phenomenon that is the Australian diaspora. In fact it is crucial if indeed our great country is ever to reach a full understanding, as a nation, that those of us who are physically outside Australia's territorial boundaries are still an integral part of Australia.<sup>31</sup>

5.20 Some submissions suggested that the repeal of section 17 should be made retrospective – that is, all those who lost their Australian citizenship under section 17 in the past should automatically have that citizenship reinstated.<sup>32</sup>

5.21 However, a representative of DIMIA expressed concern about this proposal:

... there could be some problems for people, given that some people may well have knowingly acquired another citizenship, knowing that they would lose their Australian citizenship. For example, there are some people who took out citizenship of another country for employment purposes and that employment, because of its security nature, required them to have only the citizenship of that country. So retrospective repeal of section 17 could have had an adverse impact on people in those circumstances.<sup>33</sup>

5.22 The Committee notes that the Minister made a similar statement in a recent speech:

Repeal of Section 17 was not retrospective because we could not guarantee that there would not be unintended consequences for Australians who had lost their Australian citizenship under Section 17 prior to April 2002.<sup>34</sup>

---

30 See, for example, SCG, *Submission 665*, p. 52; Mr Maxwell Hughes, *Submission 51*, p. 2; Mr Geoffrey Cullen, *Submission 239*, p. 4; Ms Helen Burnard, *Submission 576*, p. 1; SUGUNA, *Submission 193*, p. 7; see also ACC, *Australian Citizenship for a New Century*, Canberra, 2000, p. 60.

31 *Submission 353*, p. 3.

32 See, for example, Mr Geoffrey Cullen, *Submission 239*, p. 4; Ms Helen Burnard, *Submission 576*, p. 1; Sydney University Graduates Union of North America (SUGUNA), *Submission 193*, p. 7.

33 *Committee Hansard*, 29 July 2004, p. 31.

34 "Australian Citizenship: Then And Now", *Speech to the Sydney Institute*, 7 July 2004, [www.minister.immi.gov.au/cam/media/speeches/sydinstitute\\_07\\_04.htm](http://www.minister.immi.gov.au/cam/media/speeches/sydinstitute_07_04.htm) (accessed 9 September 2004), p. 5.

---

*Restrictions on resuming citizenship lost under section 17*

5.23 The Committee received several submissions from people who had lost their Australian citizenship under section 17, but had been unable to reacquire that citizenship because of the restrictions in the Citizenship Act.<sup>35</sup>

5.24 Section 23AA of the Citizenship Act allows an adult who has lost their citizenship (under section 17) to apply to the Minister for the resumption of that citizenship. However, to be eligible to resume citizenship, that person must meet certain criteria, including that the person:

- did not know that they would lose Australian citizenship;
- would have suffered significant hardship or detriment if they had not acquired citizenship of another country;
- has been lawfully resident in Australia for a total of at least two years;
- states that they intend to continue to reside in Australia, or intend to commence residing in Australia within three years; and
- has maintained a close and continuing association with Australia.<sup>36</sup>

5.25 Many submissions criticised the requirement to declare an intention to commence residing in Australia within three years of the application.<sup>37</sup> The MidAtlantic Australian New Zealand Chamber of Commerce submitted that:

Persons who lost their citizenship under the provisions of Section 17 are not automatically reinstated to full citizenship and furthermore they are only able to regain their citizenship if they swear that they will return to Australia within three years. Most are not able to make that declaration.<sup>38</sup>

5.26 One submitter affected by the three year requirement, Mr Graeme Hudson, commented that:

It came as quite a shock to me when I had discovered that my Australian Citizenship had been taken away... I reapplied to regain my citizenship. It took approximately 8 months to eventually be rejected as I was unable to state that I would resume residence within three years – I was too honest – had I declared my intent to reside within 3 years I wonder if the outcome

---

35 See, for example, Ms Lorraine Buckland, *Submission 651*, p. 1; Mr Graeme Hudson, *Submission 192*, p. 1; Ms Camille Hughes, *Submission 353*, p. 2. In contrast, some had successfully regained their Australian citizenship such as Mr Tim Loreman, *Submission 143*, p. 1.

36 *Australian Citizenship Act 1948*, s 23AA.

37 See, for example, Ms Lorraine Buckland, *Submission 651*, p. 1; Mr Graeme Hudson, *Submission 192*, p. 1; Ms Camille Hughes, *Submission 353*, p. 2; SCG, *Submission 665*, pp. 83-89.

38 *Submission 119*, p. 5; see also SUGUNA, *Submission 193*, p. 5.

would have been different? ... My Australian citizenship was precious to me and I truly and sincerely want it back!<sup>39</sup>

5.27 Similarly, Ms Camille Hughes lamented:

I would dearly love to resume my lost Australian citizenship ... But it is not legally possible at the moment due to the ... requirement that I make a declaration that I have an intention to commence residing in Australia within three years of the day of the resumption application. At present, our lives are firmly in the US. I could not in good faith make such a declaration.<sup>40</sup>

5.28 The SCG alleged that some former citizens were being advised to declare an intention to return to Australia within three years regardless of whether they actually have that intention:

... anecdotal reports suggest that some staff dealing with former citizens at a number of Australian missions overseas may be advising people "off the record" to simply tick the "Yes" box in Question 13 of DIMIA Form 132 regardless of what their future plans may be.<sup>41</sup>

5.29 The SCG continued:

It seems very clear that the issue of intention to return to Australian within three years is to some extent being administered "flexibly" by decision makers to circumvent the barrier it presents. The need for "flexibility" in itself is evidence that the three-year requirement is a hindrance to resumption for many former Australian citizens living overseas.<sup>42</sup>

5.30 The SCG further argued that the three year requirement is 'no longer appropriate' since the repeal of section 17:

Australia now allows dual citizenship for all categories of Australians. A person who has no intention to move back to Australia within three years and who had the good fortune to acquire a second citizenship on or after 4 April 2002 would today be a dual citizen. On the other hand, a person who acquired another citizenship on 3 April 2002 or earlier and who cannot in good faith make such a statement of intention is precluded from formal membership of the Australian family and also prevented from enjoying the benefits of dual citizenship. It is time to recognise that this provision is a discriminatory remnant of the Section 17 era and no longer appropriate for Australia today.<sup>43</sup>

---

39 *Submission 192*, p. 1.

40 *Submission 353*, p. 2.

41 *Submission 665*, p. 84.

42 *ibid*, p. 85.

43 *ibid*, pp. 88-89.

5.31 The SCG also believed that 'it is very possible for an individual to remain extremely committed to Australia without living within its territorial boundaries'.<sup>44</sup> Similarly, Ms Lorraine Buckland declared:

... it rankles in principle that former Australians who are based permanently overseas should, under the letter of the law, be judged unworthy of regaining their lost citizenship if they are not going to live in Australia again in the foreseeable future. To have this requirement in our law transmits a message that Australia only wants those who are going to "commit" to it by living within its territorial boundaries. By definition that stance sends a very alienating message that those of us overseas are not valued and might be simply discarded as worthless.<sup>45</sup>

5.32 The SCG also expressed a view that the requirement to have been present in Australia for a total period of at least two years was another inappropriate barrier to the resumption of citizenship lost under section 17.<sup>46</sup>

5.33 The SCG also observed inconsistencies when compared with other resumption provisions in the Citizenship Act. The SCG pointed out that section 23B, which provides for resumption of citizenship lost by minors (under section 23), contains no two year residency requirement.<sup>47</sup>

5.34 During the Committee's inquiry, the Minister announced a number of proposed changes to the Citizenship Act.<sup>48</sup> If they are passed by Parliament, these proposals will remove many of the restrictions on resuming citizenship. In relation to resumption of citizenship lost under section 17, amendments would be introduced to provide that:

The only criterion for resumption of Australian citizenship by people who lost their Australian citizenship when they acquired another country's citizenship will be that the person be of good character.<sup>49</sup>

5.35 These changes were welcomed by the SCG, which commented:

Without a doubt, many in the Diaspora will be able to resume their lost citizenship ... A number of messages have been received by the SCG from around the world in response from individuals who are extremely pleased

---

44 *ibid*, p. 88.

45 *Submission 651*, p. 3.

46 *Submission 665*, p. 83; see also *Australian Citizenship Act 1948*, subpara 23AA(1)(b)(iii).

47 *Submission 665*, p. 81.

48 Minister for Citizenship and Multicultural Affairs, the Hon. Mr Gary Hardgrave MP, Media Release H128/2004, 7 July 2004; also DIMIA, *Committee Hansard*, 29 July 2004, pp. 28-29.

49 Minister for Citizenship and Multicultural Affairs, the Hon. Mr Gary Hardgrave MP, Media Release H128/2004, 7 July 2004, p. 1.

that they will be able to be Australian citizens within the foreseeable future.<sup>50</sup>

5.36 The Committee acknowledges that the proposed changes to the Citizenship Act appear to resolve many of the concerns raised in submissions relating to the resumption of citizenship lost under the former section 17.

#### *Children of former Australian citizens*

5.37 A further issue raised in some submissions related to the children of former Australian citizens who lost their citizenship under section 17.<sup>51</sup> For example, in relation to children who were born *after* a parent had lost Australian citizenship under section 17, the MidAtlantic Australian New Zealand Chamber of Commerce was concerned that:

Children born to Australians while they had lost their citizenship cannot be registered as “Australians by Descent” even when their Australian parent or parents have regained their Australian citizenship.<sup>52</sup>

5.38 A representative from DIMIA acknowledged this issue, and explained to the Committee that it was being addressed:

Some of the representations to the Minister ... highlighted the plight of children born to former Australian citizens who had unwittingly lost their citizenship under section 17. These children were therefore unable to register as Australian citizens by descent. A solution for children born to former citizens and still under 18 years of age was possible through the introduction of a change in policy, and this was announced in October 2003. One of the proposed changes to the [A]ct will provide for the grant of citizenship to people over the age of 18 years who are of good character and were born to former citizens.<sup>53</sup>

5.39 Similarly, the fact sheet released by the Minister states:

The Act will be amended to provide for grant of citizenship to a person of good character and over the age of 18 years who was born overseas after their parent lost citizenship under the former section 17.<sup>54</sup>

5.40 While the proposed changes to the Citizenship Act would clearly cover children born *after* a parent had lost Australian citizenship under section 17, the

---

50 *Submission 665D*, p. 4.

51 See, for example, MidAtlantic Australian New Zealand Chamber of Commerce, *Submission 199*, p. 5; Ms Camille Hughes, *Submission 353*, pp. 1-3; Mr Maxwell Hughes, *Submission 51*, p. 2; Ms Elizabeth Norton, *Submission 471*, p. 1; SCG, *Submission 665*, pp. 97-100.

52 *Submission 119*, p. 5; see also SUGUNA, *Submission 193*, p. 5.

53 DIMIA, *Committee Hansard*, 29 July 2004, p. 29; see also DIMIA, *Submission 656*, p. 2.

54 Minister for Citizenship and Multicultural Affairs, the Hon. Mr Gary Hardgrave MP, Media Release H128/2004, 7 July 2004, pp. 1-2.

---

Committee received evidence of concerns that the situation of children *before* their parents lost citizenship under section 17 was unclear.<sup>55</sup> The SCG pointed out that, under section 23 of the Citizenship Act, many children had automatically lost their Australian citizenship when their responsible parent forfeited their citizenship under section 17.<sup>56</sup> The SCG observed that section 23B of the Citizenship Act may provide for the resumption of citizenship in this situation, but that 'section 23B presents its own limitations as a resumption provision'.<sup>57</sup>

5.41 Under section 23B, a person who has ceased to be an Australian citizen under section 23 of the Citizenship Act can apply to resume Australian citizenship within one year after attaining the age of 18 years.<sup>58</sup> The SCG argued that:

The key limitation within Section 23B is the requirement that the applicant for resumption is required to apply "within one year after attaining the age of 18 years or within such further period as the Minister, in special circumstances, allows".<sup>59</sup>

5.42 For example, one submitter explained that her two children were Australian citizens by descent, but that:

... they automatically forfeited their Australian citizenship ... when I took US citizenship ... while Australian law remains as it is, my children cannot resume their lost citizenship until they reach their 18<sup>th</sup> birthday.<sup>60</sup>

5.43 The SCG also observed that 'it is unclear why the minor children of these individuals should be limited in time as adults from resuming their citizenship'.<sup>61</sup> The SCG further commented that:

The SCG has been contacted by a number of individuals who have lost their citizenship as minors under Section 23, but who have missed the one year window of opportunity for resumption under Section 23B, i.e. they are already aged 19 or older. In these circumstances, it is necessary to look at whether it is advisable for the person to make a Section 23B resumption application outside the one-year window, arguing that "special circumstances" exist. A number of cases in the AAT [Administrative Appeals Tribunal] over the last several years indicate that it is very difficult to show "special circumstances" such that a late Section 23B resumption application will be accepted.<sup>62</sup>

---

55 SCG, *Submission 665*, p. 97; see also SCG, *Submission 665D*, pp. 6-9.

56 *ibid.*

57 *Submission 665*, p. 97.

58 *Australian Citizenship Act 1948*, s 23B; see also SCG, *Submission 665*, p. 97.

59 *ibid.*, pp. 97-98.

60 Ms Camille Hughes, *Submission 353*, pp. 1-2.

61 *Submission 665*, p. 100.

62 *ibid.*, p. 98.

5.44 The SCG concluded:

A close reading of the Minister's media release and speech of 7 July 2004 does not provide a clear answer as to whether the Government is now planning to amend Section 23B and specifically provide a simple resumption route for these individuals who lost as minors under Section 23.<sup>63</sup>

5.45 The SCG even suggested that section 23, under which a child automatically loses citizenship if their responsible parent loses citizenship, should be repealed, because '... it is unfair to deprive minor children of their citizenship involuntarily due to a parent's loss.'<sup>64</sup>

*The Committee's view*

5.46 The Committee welcomes the proposed changes to make it easier to resume citizenship lost under section 17 of the Citizenship Act. However, the Committee considers that efforts should be made to ensure that *all* children of citizens who lost their Australian citizenship under section 17 can register for Australian citizenship without unnecessary limitations. In particular, these children should be eligible for citizenship regardless of whether they were born before or after their parent's loss of citizenship.

***Dual citizenship: renunciation of citizenship under section 18***

5.47 Another major citizenship issue raised during the inquiry related to people who had *renounced* their citizenship under section 18 of the Citizenship Act. Indeed, the Committee received over 200 submissions from Maltese individuals or groups. These submissions addressed the issue facing a large number of Australian-born Maltese citizens who had renounced their Australian citizenship under section 18, and had been unable to resume that citizenship.

5.48 According to these submissions, many Maltese migrated to Australia in the period following World War II and had children in Australia. Under citizenship laws of the time, these children became Australian citizens by birth, and Maltese citizens by descent.<sup>65</sup> Some of these children subsequently returned to live in Malta with their parents.<sup>66</sup> Until the year 2000, the Maltese Government required persons, when they reached 18, to choose whether to retain or renounce any foreign citizenship they possessed.<sup>67</sup> If they failed to renounce their foreign citizenship by their 19th birthday,

---

63 *Submission 665D*, p. 7.

64 *ibid*, p. 15.

65 SCG, *Submission 665*, p. 95.

66 SCG, *Submission 665*, p. 95; The Malta Cross Group, *Submission 452*, p. 2.

67 Mr Lawrence Dimech, Maltese Welfare (NSW), *Committee Hansard*, 27 July 2004, p. 32; The Malta Cross Group, *Submission 452*, p. 2; Maltese Welfare (NSW) Inc, *Submission 77*, p. 1; SCG, *Submission 665*, p. 95.

they automatically lost Maltese citizenship.<sup>68</sup> This meant they would also lose access to many benefits in Malta including free education; the possibility of employment in the public service; subsidised housing; and access to social security benefits.<sup>69</sup> For financial and practical reasons, many of these people renounced their Australian citizenship. In fact, almost 2000 Maltese people born in Australia are recorded as having renounced their Australian citizenship.<sup>70</sup>

5.49 As noted above, the Committee received a large number of similar submissions from Maltese citizens born in Australia who had found themselves in this situation and who shared their personal circumstances with the Committee. It is not possible to detail them all here, but just one example is the submission from Ms Ann Marie Galea, who stated that:

I was born in Wentworthville in Australia on the 24<sup>th</sup> July 1971. My father and mother migrated to Australia from Malta in 1964 ... When I was only 5 years ... in 1976 my family moved back to Malta. Under Maltese citizenship law I was required to decide between Maltese and Australian citizenship between my 18<sup>th</sup> and 19<sup>th</sup> birthdays ... In the circumstances, opting for the Maltese citizenship was essentially to continue with my studies free of charge, and allowing me to purchase my property. I was extremely unhappy forfeiting my Australian citizenship as I was born in Australia and I consider myself as an 'Australian'. I still maintain close ties with Australia.<sup>71</sup>

5.50 In 2000, the Maltese Government 'accepted the concept of dual citizenship and no longer requires the renunciation of Australian citizenship before the age of 19 years in order to keep the Maltese citizenship'.<sup>72</sup> However, the Committee heard that many Maltese people who renounced their Australian citizenship have faced considerable barriers to regaining Australian citizenship under the current provisions of the Citizenship Act.<sup>73</sup>

5.51 Submissions observed that these Maltese citizens had been unable to resume citizenship under section 23AA of the Citizenship Act. This was because they were deemed to have *retained* their right to Maltese citizenship rather than having *acquired*

---

68 SCG, *Submission 665*, p. 95.

69 The Malta Cross Group, *Submission 452*, pp. 4-5; Maltese Welfare (NSW) Inc, *Submission 77*, p. 1; SCG, *Submission 665*, p. 95.

70 The Malta Cross Group, *Submission 452*, p. 3; Maltese Community Council of Victoria, *Submission 214*, p. 1; Mr Lawrence Dimech, Maltese Welfare (NSW), *Committee Hansard*, 27 July 2004, p. 32.

71 *Submission 499*, p. 1.

72 Maltese Welfare (NSW) Inc, *Submission 77*, p. 3; see also The Malta Cross Group, *Submission 452*, p. 6.

73 See, for example, The Malta Cross Group, *Submission 452*, p. 2; SCG, *Submission 665*, p. 96; Ms Anne Marie Galea, *Submission 499*, p. 2; Maltese Welfare (NSW) Inc, *Submission 77*, p. 1.

a foreign citizenship.<sup>74</sup> Several submissions suggested that this was discriminatory when compared with people who had lost their citizenship under section 17.<sup>75</sup> For example, the Malta Cross Group pointed out that:

91% of Australian-born citizens who 'acquired' foreign citizenship have been successful in resuming their Australian Citizenship under Section 23AA, yet not one Maltese (who renounced), having applied under the same Section, has ever been accepted to resume their Australian birth-right, despite having the same compelling reasons required under this section ...<sup>76</sup>

5.52 The Malta Cross Group continued:

So here you have the anomalous situation whereby the rights of Australian-born citizens are split into two categories, one group whose application to resume is accepted and the other group whose application is rejected. It is indeed even more anomalous when you think that those Australian-born Citizens, undoubtedly of a more mature age, who freely chose to 'acquire' the citizenship of another country can apply to resume their birth-right under Section 23AA but those Maltese who had no choice, cannot!<sup>77</sup>

5.53 Several submissions highlighted that many of these Australian-born Maltese are also unable to resume Australian citizenship under section 23AB of the Citizenship Act, because that section contains an age limit of 25 years. These submissions pointed out that many affected Maltese are now older than 25 years, and have therefore exceeded this limit.<sup>78</sup> As the Malta Cross Group remarked:

From within a single family you now find siblings who are both under and over the imposed age limit. This means that some are eligible to return to Australia while others are not. This discriminatory amendment gives rise to family isolation, discord and splits family unity.<sup>79</sup>

5.54 Submissions also noted that the requirement to state an intention to return to Australia to live within three years is a further barrier to resuming citizenship renounced under section 18.<sup>80</sup>

---

74 The Malta Cross Group, *Submission 452*, p. 2; SCG, *Submission 665*, p. 96.

75 The Malta Cross Group, *Submission 452*, p. 2; SCG, *Submission 665*, p. 96; Ms Anne Marie Galea, *Submission 499*, p. 2; Maltese Welfare (NSW) Inc, *Submission 77*, p. 1.

76 *Submission 452*, p. 2.

77 *ibid.*

78 The Malta Cross Group, *Submission 452*, pp. 2 & 6; Maltese Welfare (NSW) Inc., *Submission 77*, p. 1; Mrs Ann Marie Galea, *Submission 499*, p. 2; SCG, *Submission 665*, p. 96; Mr Lawrence Dimech, Maltese Welfare (NSW), *Committee Hansard*, 27 July 2004, p. 34.

79 *Submission 452*, pp. 2-3.

80 *Australian Citizenship Act 1948*, subpara 23AB(2)(d)(ii); see also The Malta Cross Group, *Submission 452*, p. 7; Maltese Community Council of Victoria, *Submission 214*, p. 2; SCG, *Submission 665*, p. 96.

5.55 However, the proposed changes to the Citizenship Act, announced during the Committee's inquiry, would amend the resumption provisions for citizenship renounced under section 18. The Minister's fact sheet states:

Former Australian citizens who renounced their Australian citizenship to acquire or retain another citizenship, or renounced to avoid significant hardship or disadvantage will also be given the opportunity to resume their Australian citizenship, if they are of good character.<sup>81</sup>

5.56 Once again, the SCG welcomed these proposed changes. At the same time, there were concerns that the proposed changes would not include the children born to individuals after they renounced their Australian citizenship under section 18 of the Citizenship Act.<sup>82</sup> For example, Ms Anne MacGregor from the SCG argued:

... the minister's proposed changes do not currently include the children born to individuals after they were forced to renounce their Australian citizenship using section 18 of the Australian Citizenship Act ... This group, of course, encompasses the children of all those Australian born individuals, almost 2,000 people, who had to renounce their citizenship in Malta as teenagers ...<sup>83</sup>

5.57 Ms MacGregor continued:

We submit that the situation of those children is no different, practically speaking, from the children born to section 17 victims after their loss of citizenship. We see it as being very important that this inquiry recommend that the announced changes be extended to include the children of section 18 victims born after their parents' loss of citizenship.<sup>84</sup>

5.58 The Committee queried whether there was any plan for such children to be covered by the proposed amendments. Representatives from DIMIA responded that 'it is an issue that will be considered'<sup>85</sup> and that 'there may well be further changes down the track, but that is the minister's prerogative'.<sup>86</sup>

---

81 Minister for Citizenship and Multicultural Affairs, the Hon. Mr Gary Hardgrave MP, Media Release H128/2004, 7 July 2004, p. 1; see also DIMIA, *Committee Hansard*, 29 July 2004, pp. 28-29.

82 Ms Anne MacGregor, SCG, *Committee Hansard*, 4 August 2004, p. 1; Mr John MacGregor, SCG, *Committee Hansard*, 19 July 2004, p. 8; see also SCG, *Submission 665D*, pp. 4 & 10-13; Mr Lawrence DiMech, *Committee Hansard*, 27 July 2004, pp. 32 & 34.

83 *Committee Hansard*, 4 August 2004, pp. 1-2.

84 *ibid*, p. 2.

85 *Committee Hansard*, 29 July 2004, p. 30.

86 *Committee Hansard*, 29 July 2004, p. 31.

*The Committee's view*

5.59 The Committee considers that notions of Australian citizenship should be more inclusive. The Committee welcomes the proposed changes to make it easier to resume citizenship renounced under section 18 of the Citizenship Act. However, the Committee agrees that children of people who renounced their citizenship under section 18 should also be eligible for Australian citizenship.

***Other citizenship issues***

5.60 Other specific citizenship issues that were raised with the Committee will be considered briefly below. These include:

- restrictions on dual citizenship in other countries;
- children born overseas before 1949 to Australian mothers;
- former child migrants; and
- other issues.

*Restrictions on dual citizenship in other countries*

5.61 While both Malta and Australia now allow for dual citizenship in all circumstances, some submissions pointed out that a number of other countries do not allow for dual citizenship. As a result, some Australian citizens may still be required to renounce their Australian citizenship under section 18. The SCG submitted that:

... in some countries where Australians live and seek to be naturalised, local law may still require the formal renunciation of Australian citizenship under Section 18 of the *Australian Citizenship Act 1948*. Failure to produce evidence of a Section 18 renunciation as part of a naturalisation application in particular countries prevents Australian citizens in those countries from becoming dual citizens.<sup>87</sup>

5.62 The SCG noted Germany and Denmark as examples of countries which restrict dual citizenship.<sup>88</sup> The Committee also heard from Australians living in countries which restrict dual citizenship. For example, Dr Jill Walker submitted:

I'm very glad that Australia now accepts dual citizenship. However, Norway doesn't, and giving up my Australian citizenship to become a Norwegian citizen would be a very difficult decision. It would feel like giving up my identity.<sup>89</sup>

5.63 Similarly, Ms Jane Kristensen, who lives in Denmark, commented:

---

87 *Submission 665*, pp. 91-92.

88 *ibid*, p. 92.

89 *Submission 399*, p. 2.

Once I acquire my resident visa here, it is valid for 7 years ... After the 7 years, one is requested to apply for citizenship and upon doing so in Denmark means to forsake your own citizenship. I would have to become a Danish citizen to live here indefinitely and forgo my Australian citizenship.<sup>90</sup>

5.64 The SCG observed that:

Citizens of countries with no citizenship renunciation provisions are placed in a much more favourable position when applying for naturalisation in countries such as Denmark and Germany. As formal renunciation of their original citizenship is simply legally impossible under the law of their country of original citizenship, they are often able to become dual citizens.<sup>91</sup>

5.65 For this reason, the SCG suggested that 'it is time to review the current relevance of Section 18'.<sup>92</sup> The Committee agrees that a review of section 18 of the Citizenship Act should be conducted.

*Children born overseas before 1949 to Australian mothers*

5.66 Another specific citizenship issue raised during the inquiry was the five year limit (1991-1996) for registration of citizenship by descent by children born overseas before 1949 to Australian citizen mothers. The Committee received submissions from two individuals directly affected by this issue.<sup>93</sup> However, the Committee notes that the changes proposed by the Minister would provide for Australian citizenship by descent for people born overseas before 26 January 1949, to a mother who became an Australian citizen on commencement of the Citizenship Act (on 26 January 1949).<sup>94</sup>

*Former child migrants*

5.67 The Committee also received submissions from some individuals who could be described as 'former British child migrants'.<sup>95</sup> These individuals had migrated to Australia as children from the UK (or another Commonwealth country), lived in Australia for some time, but subsequently moved overseas.<sup>96</sup> In terms of their legal

---

90 *Submission 70*, pp. 1-2.

91 *Submission 665*, p. 92.

92 *ibid.*

93 Mr Clive Pillinger, *Submission 534*; Mr Anthony Alexander, *Submission 548*; see also DIMIA, *Submission 656*, p. 2.

94 DIMIA, *Committee Hansard*, 29 July 2004, p. 29; see also Minister for Citizenship and Multicultural Affairs, the Hon. Mr Gary Hardgrave MP, Media Release H128/2004, 7 July 2004.

95 Mr Michael Young, *Submission 156* and *156A*; Mr Phillip Cheetham, *Submission 326*; Mr Michael Jack, *Submission 455*; see also SCG, *Submission 665D*, pp. 16-20.

96 *ibid.*

status, these people were permanent residents in Australia, and were entitled to apply for Australian citizenship while they were living in Australia, but did not do so. In some cases, since they were 'British subjects', these individuals thought they were Australian citizens when they left Australia.<sup>97</sup> However, on living overseas for several years, they lost their permanent residence status, and were no longer able to apply for Australian citizenship. In their submissions, these individuals expressed a desire to gain Australian citizenship. For example, Mr Phillip Cheetham submitted:

... I had never taken Australian citizenship because I had always thought that it didn't matter and being a British citizen was "the same thing" ... I was a child immigrant to Australia and had no idea of the immigration rules when I left. If I had known, I would have taken Australian citizenship before I felt. I certainly consider myself Australian as I remember very little of England.<sup>98</sup>

5.68 Mr Michael Young, who was in a similar situation, suggested that people in these circumstances should be able to obtain citizenship – subject to certain conditions, such as a minimum period of residence, and having maintained close connections with Australia.<sup>99</sup>

5.69 The SCG was concerned that the proposed changes to the Citizenship Act would not assist these former British child migrants and suggested that these individuals should be 'allowed to rejoin the Australian family'.<sup>100</sup> The SCG suggested that these people should be able to apply for Australian citizenship subject to being able to show good character, maintaining close and continuing ties with Australia. The SCG also proposed that:

... a full examination should be undertaken as to the other limitations which might appropriately be imposed on any citizenship by grant concession for such cases, at the same time taking care not to arbitrarily exclude groups of individuals due to legislation deadlines for application or other dates.<sup>101</sup>

5.70 The SCG further acknowledged that 'this issue is a highly complex one, which deserves further study'.<sup>102</sup>

#### *Other issues*

5.71 The SCG also raised a number of other circumstances which it was concerned may not be resolved by the proposed changes to the Citizenship Act.<sup>103</sup> However, the

---

97 For example, Mr Michael Young, *Submission 156A*, p. 1.

98 *Submission 326*, p. 2.

99 *Submission 156*, p. 1 and *Submission 156A*, p. 3.

100 *Submission 665D*, p. 18.

101 *ibid*, p. 19.

102 *ibid*, p. 20.

---

Committee received little other evidence on these issues, and it was thus difficult to ascertain how many people were affected by these particular situations.

5.72 Another concern raised by the SCG related to delays, of six months or longer, in processing resumption applications. The SCG suggested that a time limit of three months or less should be set for processing all resumption applications from the date of lodgement.<sup>104</sup>

### ***Information and awareness relating to citizenship***

5.73 The role of government in providing information to expatriates has been considered in Chapter 4. Some submissions suggested that the information and services available to Australian expatriates specifically in relation to citizenship issues could be substantially improved.<sup>105</sup> For instance, one submitter related that they had received misleading information in relation to citizenship:

Until recently I was under the impression that if, in order to facilitate my career prospects I became a US citizen, I would lose my Australian citizenship. This misconception was reinforced by information I received from the Australian Consulate in Chicago when I applied for a new Australian passport in October 2003. At the time I was told that if as an adult I took up citizenship in another country, I would lose my Australian citizenship ... Luckily I've since discovered that this is no longer the case ... The Australian government should ensure that all of its representative arms are providing the correct information to Australians abroad.<sup>106</sup>

5.74 Similarly, the SCG noted that it:

... receives many anecdotal reports of encounters on citizenship matters at Australian missions around the world from those in Diaspora ... Many report that the information they have received either on the telephone or in person was unclear, confusing, or insufficient. In some very unfortunate instances, individuals have relied on incorrect or unclear advice obtained from a mission and subsequently taken steps which it later emerges were to their significant legal detriment.<sup>107</sup>

5.75 The SCG offered several suggestions for improving the information made available to Australian expatriates. These suggestions included:

---

103 *Submission 665D*, p. 5; see also Ms Anne MacGregor, *Committee Hansard*, 4 August 2004, p. 1.

104 *Submission 665*, p. 104.

105 See, for example, Ms Camille Hughes, *Submission 353*, p. 3; Mr Maxwell Hughes, *Submission 51*, p. 2; SCG, *Submission 665*, pp. 56-64.

106 *Submission 459*, pp. 1-2.

107 *Submission 665*, pp. 65 & 67.

- enhancing and improving the DIMIA citizenship website to include more detailed and specific advice in relation to citizenship issues for Australian expatriates;
- using an internationally accessible phone number for the Citizen Information Line; and
- improving citizenship advice and services at overseas missions, and in particular that DIMIA conduct regular training for staff in overseas missions to enable them to handle queries about citizenship from expatriates.<sup>108</sup>

5.76 In response to the Committee's questions on this issue, a representative from DIMIA acknowledged its responsibility to keep expatriates informed in relation to changes to citizenship legislation:

We clearly accept responsibility for citizenship issues ... we certainly enhance the web site on a regular basis. It is something we will increasingly focus on because it is the most efficient way for mass communications on a global basis. We could have done it better in the past, and we will endeavour to do it better in the future.<sup>109</sup>

5.77 However, the representative from DIMIA also argued:

At the end of the day, the onus is on the person who is taking a life decision to fully inform themselves from available sources as to the consequences of their potential decision.<sup>110</sup>

5.78 The Committee agrees that greater efforts could be made to improve the information available in relation to citizenship to overseas Australians. As suggested by the SCG, these improvements could be made to information available through a number of different mediums, including online information, telephone services and at Australian consular missions. In particular, a web portal designed specifically for expatriates, as discussed in Chapter 4, could provide citizenship information relevant to expatriates.

## **Voting issues**

*The issue ... of whether citizens who reside abroad should be allowed to vote, under what conditions and for how long, is a perplexing one which raises deep questions about the meaning of democracy in a world environment in which people are becoming increasingly mobile.*<sup>111</sup>

---

108 *ibid*, p. 67; see also *Submission 665D*, p. 31.

109 *Committee Hansard*, 29 July 2004, pp. 31-32.

110 *ibid*, p. 32.

111 A Blais, L Massicotte and A Yoshinaka, 'Deciding who has the right to vote: a comparative analysis of election laws', *Electoral Studies*, Vol 20, No 1, March 2001, p. 59.

5.79 Another legal concern of overseas Australians raised during the Committee's inquiry related to enrolment and voting in Australian elections. Key issues which will be discussed further below include:

- low voter turnouts for Australians living overseas;
- current requirements under the *Commonwealth Electoral Act 1918* (Commonwealth Electoral Act);
- whether voting and enrolment provisions should be extended for Australians overseas; and
- education and information available about enrolment and voting for overseas Australians.

### *Statistics on overseas voters*

5.80 Several submissions noted with concern the low levels of expatriate Australians voting in federal elections.<sup>112</sup> During the 2001 federal election, 63,036 sets of ballot papers were issued at overseas posts.<sup>113</sup> However, it appears that most of these overseas votes were cast by Australians on short-term travel. On 15 October 2001, there were 10,636 Eligible Overseas Electors registered on the electoral roll.<sup>114</sup> However, the Australian Electoral Commission (AEC) reported that only 5,822 (54.7 per cent) of these voted at the 2001 federal election.<sup>115</sup>

5.81 Professor George Williams suggested the low number stemmed from two main causes:

We think that very small number—5,822—reflects the lack of information provided to expat Australians and also the great difficulty in navigating your way through a very complex legal regime that has not been subject at any point in its history to a thoughtful and detailed policy analysis as to what the objects are and where the balances should lie.<sup>116</sup>

5.82 The SCG also expressed concern that many Australians overseas are:  
 ... disenfranchised and have no possibility at the moment under the law as it stands to get themselves back on the electoral roll.<sup>117</sup>

---

112 SCG, *Submission 665*, pp. 106 & 115-116; Gilbert & Tobin Centre of Public Law, *Submission 286*, p. 4; Professor George Williams, *Committee Hansard*, 27 July 2004, p. 46.

113 AEC, *Behind the Scenes: the 2001 Election Report*, Canberra, 2002, pp. 15 & 59; see also Joint Standing Committee on Electoral Matters, *2001 Federal Election: Report of the inquiry into the 2001 Federal Election and Matters Related Thereto* (JSCEM report), 23 June 2003, pp. 64-65.

114 AEC, *Election 2001: Behind the Scenes: the 2001 Election Report*, Canberra, 2002, p. 9; see also JSCEM report, p. 67.

115 AEC, *Submission 186* to the JSCEM inquiry into the 2001 Federal Election, p. 6; see also JSCEM report, p. 67.

116 *Committee Hansard*, 27 July 2004, p. 46.

117 *Submission 665*, pp. 115-116.

5.83 The SCG submitted that, in their estimates, up to 500,000 overseas Australians are prevented from voting because of the overseas enrolment restrictions in the Commonwealth Electoral Act.<sup>118</sup> Indeed, many submissions received by the Committee were from expatriate Australians who expressed a desire to be able to vote, and who felt that they had been disenfranchised by the restrictions in the Commonwealth Electoral Act.<sup>119</sup>

5.84 For example, Mr Mark Pennay commented that:

The disenfranchised status of those removed from the Australia[n] electoral roll is felt acutely, especially by the politically active and informed. I have been ineligible to vote anywhere for the past ten years ...<sup>120</sup>

5.85 Similarly, Mr Michael Laird submitted that:

I have been disenfranchised for around 15 years. I felt my disenfranchisement most acutely at the time of the 1999 referendum on an Australian republic.<sup>121</sup>

5.86 In the same vein, Mr John Griffin declared:

I am well informed on Australian politics, I have an enormous interest in, pride in and love for the country of my birth, and I just want to vote.<sup>122</sup>

### ***Current requirements under the Commonwealth Electoral Act***

5.87 The grounds on which Australians living overseas may vote depends on the enrolment requirements set out in sections 94 and 94A of the Commonwealth Electoral Act.<sup>123</sup> As Professor George Williams stated in evidence, the current law is 'complex, bureaucratic and difficult'.<sup>124</sup>

---

118 *ibid*, p. 106.

119 See, for example, Mr Jeff Bowman, *Submission 78*, p. 2; Ms Sharon Readon, *Submission 196*, p. 2; Mr Simon Robinson, *Submission 79*, p. 2; Mr Michael Laird, *Submission 298*, p. 1; Dr Anthony Linden, *Submission 375*, p. 5; Mr John Griffin, *Submission 512*, p. 1; Mr Mark Pennay, *Submission 623*, p. 3; Mr Michael Garrett, *Submission 627*, p. 2; Ms Doris Schulze, *Submission 517*, p. 1; Mr Julian Callachor, *Submission 520*, p. 3; Mr Neil McLaurin, *Submission 528*, p. 1; Ms Maria Butler, *Submission 586*, p. 1.

120 *Submission 623*, p. 3.

121 *Submission 298*, p. 1.

122 *Submission 512*, p. 1.

123 There is no express right to vote for Australian citizens in the Australian Constitution. The SCG suggested that the Constitution be amended to include a broad and explicit constitutional right to vote for all Australian citizens: *Submission 665*, p. 111.

124 *Committee Hansard*, 27 July 2004, p. 49.

5.88 Currently, under section 94, Australian citizens moving overseas who are *already* on the electoral roll can remain enrolled by registering with the AEC as an 'Eligible Overseas Elector' (EOE) if they:

- are leaving Australia within three months, or left Australia less than three years ago (and are still enrolled at their previous Australian address); and
- intend to resume living in Australia within six years of their departure.

5.89 Under section 94A, Australian citizens living overseas who are *not* on the electoral roll (but would be eligible to enrol if they were in Australia) can apply to enrol as an EOE from outside Australia if they:

- left Australia in the previous three years; and
- intend to resume residence in Australia within six years of their departure.

5.90 People enrolling from outside Australia are generally enrolled in the electoral division for their last address in Australia. If that is not relevant, they are enrolled in the division of their next of kin, or the division in which they were born, or the division with which they have the 'closest connection'.<sup>125</sup>

5.91 If persons registered as an EOE are away from Australia for longer than six years, they can apply to have their EOE status extended by one year at a time.<sup>126</sup> Enrolment and voting by Australians overseas is not compulsory. However, if they do not vote or apply for a postal vote at a federal election, their EOE status is forfeited and their enrolment cancelled.<sup>127</sup>

#### *Recent amendments to the Commonwealth Electoral Act*

5.92 The Committee notes that recent amendments to the Commonwealth Electoral Act made some changes in relation to overseas voters.<sup>128</sup> In particular, the two-year cut-off point for application for EOE status was extended to three years. The requirement for applicants to have left Australia for a purpose related to their career or employment, or their spouse's employment was also removed. These amendments were in line with recommendations by the Joint Standing Committee on Electoral Matters (JSCEM) in its report in relation to the 2001 federal election.<sup>129</sup>

---

125 Commonwealth Electoral Act, subs 94A(3).

126 Commonwealth Electoral Act, subs 94(8) and 94(9).

127 Commonwealth Electoral Act, subs 94(13).

128 *Electoral and Referendum Amendment (Access to Electoral Roll and Other Measures) Act 2004*, Schedule 1, cls 10-12.

129 JSCEM report, p. 76.

### *Should the enrolment restrictions be relaxed for Australians overseas?*

5.93 A considerable number of submissions received by the Committee argued that the right to vote should be extended much further in relation to Australians living overseas.<sup>130</sup> The submission from the Gilbert & Tobin Centre of Public Law observed that the reasons underlying the restrictions in the Commonwealth Electoral Act were unclear, and that:

In the absence of historical record or a clear justification for the measure, it might be assumed that Australians living overseas were originally given limited voting rights because it was felt that they would lose touch with Australian society and not be knowledgeable enough to make an informed decision. Such a justification may have been valid in years past, but in the current interactive, online society, such reasoning is not as persuasive.<sup>131</sup>

5.94 Indeed, as outlined in Chapter 2, many Australians overseas maintain considerable connections with Australia, and are well-informed in relation to Australian current affairs. In particular, many submissions pointed out that internet technology means it is easier than ever for Australians overseas to keep informed of events and issues in Australia.<sup>132</sup> For example, Mr Mark Pennay argued that:

The internet has brought with it a sea change in terms of the maintenance of bonds with Australia ... the current diaspora is perhaps more up to date on what is happening at home than are many resident Australians.<sup>133</sup>

5.95 Similarly, Professor George Williams of the Gilbert & Tobin Centre of Public Law observed:

It may indeed be that a young Australian who has gone overseas ... to study for a period of time is more aware and more able to be aware of current Australian events through a good Internet connection than someone who is in a remote Australian community, who does not have a decent broadband connection, who does not get the newspapers and who cannot check the Internet. Isolation can sometimes be greater internally than externally.<sup>134</sup>

---

130 See, for example: Gilbert & Tobin Centre of Public Law, *Submission 286*, p. 4; SCG, *Submission 665*, pp. 106-117; *Submission 466*, p. 5; Ms Georgina Wright, *Submission 496*, p. 1; Mr Michael Laird, *Submission 298*, p. 1; Dr Anthony Linden, *Submission 375*, p. 5; Mr John Griffin, *Submission 512*, p. 1; Mr Ronald Delmenico, Australian New Zealand-American Chambers of Commerce, *Committee Hansard*, 28 July 2004, pp. 39 & 41-42; Mr Richard Baxter, *Submission 538*, p. 2; Mr Julian Callachor, *Submission 520*, p. 3; Mr Shannon Tobin, *Submission 480*, p. 2.

131 *Submission 286*, p. 2.

132 See, for example, Mr Mark Pennay, *Submission 623*, p. 2; Mr Michael Garrett, *Submission 627*, p. 2; Mr Bryan Mercurio, *Committee Hansard*, 27 July 2004, p. 48; Professor Graeme Hugo, *Committee Hansard*, 28 July 2004, p. 2.

133 Mr Mark Pennay, *Submission 623*, p. 2.

134 *Committee Hansard*, 27 July 2004, p. 48.

5.96 Several submissions also suggested that voting should simply be a right of Australian citizenship, rather than being connected to residency in Australia.<sup>135</sup> The Gilbert & Tobin Centre of Public Law submitted that:

The right to vote is not only a fundamental right and privilege, but a basic entitlement of citizenship. It should not be withdrawn without strong overriding justification.<sup>136</sup>

5.97 Mr Simon Robinson submitted that:

I find it strange that Australia, one of the few countries that has made it mandatory to vote, effectively shuts out hundreds of thousands of voters who live overseas and may not have the ability or the kind relatives to be able to maintain an Australian address and thus stay on the electoral roll.<sup>137</sup>

5.98 Others pointed to other justifications for extending the right to vote, such as the fact that many overseas Australians still pay tax in Australia.<sup>138</sup> For example, Mr Jeff Bowman submitted:

I own a house in Australia, I have taxation on rents without a vote; I thought the Boston Tea party sought to correct this?<sup>139</sup>

5.99 Some submissions also suggested that extending the ability to vote may encourage expatriates to maintain connections to Australia.<sup>140</sup> In particular, the SCG suggested that:

While hundreds of thousands of Citizens in the Diaspora are denied the right to vote, any efforts at other levels to develop 'inclusive' policies embracing the Diaspora and aimed at allowing Australia to 'exploit' the Diaspora resource will be undermined at the most basic philosophical level. It is naïve to expect that those in the Diaspora will ever truly feel part of the Australian nation if they are prevented from exercising their democratic right to elect those who govern.<sup>141</sup>

---

135 See for example, SCG, *Submission 665*, p. 106; Mr Michael Laird, *Submission 298*, p. 1; Gilbert & Tobin Centre of Public Law, *Submission 286*, p. 1; *Submission 466*, p. 4; Dr Anthony Linden, *Submission 375*, p. 5; Mr John Griffin, *Submission 512*, p. 1; Mr Ronald Delmenico, Australian New Zealand-American Chambers of Commerce, *Committee Hansard*, 28 July 2004, pp. 41-42; Mr Richard Baxter, *Submission 538*, p. 2.

136 *Submission 286*, p. 1.

137 *Submission 79*, p. 2.

138 See, for example, Mr Jeff Bowman, *Submission 78*, p. 2; Ms Sharon Readon, *Submission 196*, p. 2; Australian Chamber of Commerce, Singapore, *Submission 369*, p. 7.

139 *Submission 78*, p. 2.

140 SCG, *Submission 665*, p. 116; Mr Ronald Delmenico, Australian New Zealand-American Chambers of Commerce, *Committee Hansard*, 28 July 2004, p. 39; see also A Blais, L Massicotte and A Yoshinaka, 'Deciding who has the right to vote: a comparative analysis of election laws', *Electoral Studies*, Vol 20, No 1, March 2001, pp. 41-61 at p. 56.

141 *Submission 665*, p. 116.

5.100 In the same vein, Mr Mike Garrett submitted that:

Despite going to some trouble to make sure I was registered to vote as an overseas elector when I first left Australia, I was extremely disappointed at missing out on voting in a state election because of ridiculous bureaucratic convolutions that somehow meant I was dropped from the electoral roll without being aware of it. And that had a really terrible effect on my sense of being Australian at the time.<sup>142</sup>

5.101 The Committee notes that the JSCEM report raised concerns that some Australian expatriates may be able to vote in two nations if they also have a right to vote in their country of residence or dual citizenship.<sup>143</sup> In contrast, some submitters remarked that, having been removed from Australian electoral rolls, they were unable to vote anywhere in the world.<sup>144</sup>

#### *Overseas examples*

5.102 The Gilbert & Tobin Centre of Public Law (the Centre) pointed out that many other countries have arrangements for voters living overseas.<sup>145</sup> Professor George Williams noted that:

One academic study looked at 63 nations and found that a majority of those—33 of the 63—did not have any time limitations on overseas citizens being able to vote. Many of the remaining 30 nations were more liberal than the Australian regime. We think there is a problem, because our regime is one of the more restrictive in the world. That seems ... inconsistent with the sort of aspirations we have for Australian citizenship.<sup>146</sup>

5.103 The Centre also outlined several specific overseas examples. In Canada, electors who have been living outside Canada for less than five years, and who intend to return to Canada in the future, can remain on the electoral roll.<sup>147</sup> In the UK, an elector can remain on the electoral roll for up to twenty years after leaving the UK and

---

142 *Submission 627*, p. 2.

143 JSCEM report, pp. 79-80; see also A Blais, L Massicotte and A Yoshinaka, 'Deciding who has the right to vote: a comparative analysis of election laws', *Electoral Studies*, Vol 20, No 1, March 2001, pp. 41-61 at p. 56.

144 See, for example, Dr Anthony Linden, *Submission 375*, p. 5; Mr Mark Pennay, *Submission 623*, p. 3; Dr Jill Walker, *Submission 399*, p. 2.

145 Gilbert & Tobin Centre of Public Law, *Submission 286*, pp. 3-4; JSCEM report, p. 73; see also A Blais, L Massicotte and A Yoshinaka, 'Deciding who has the right to vote: a comparative analysis of election laws', *Electoral Studies*, Vol 20, No 1, March 2001, pp. 41-61 at p. 56.

146 Professor George Williams, *Committee Hansard*, 27 July 2004, p. 47; see also see also A Blais, L Massicotte and A Yoshinaka, 'Deciding who has the right to vote: a comparative analysis of election laws', *Electoral Studies*, Vol 20, No 1, March 2001, pp. 41-61.

147 *Submission 286*, p. 4.

taking up residency elsewhere.<sup>148</sup> In New Zealand, 'the question is not how long has the elector resided elsewhere, but has the elector returned to New Zealand (for any period of time) within the last three years.'<sup>149</sup>

5.104 Finally, the Centre noted that in the US, there are no limits on the voting rights of citizens overseas: 'the question is simply one of citizenship'.<sup>150</sup> Some submissions suggested that Australia should take a similar approach.<sup>151</sup> For example, Mr Ronald Delmenico from the Australian New Zealand-American Chambers of Commerce suggested that Australia should follow this US example:

Without such rights it is easy to see how an Australian might transfer loyalty over time to the country that affords them voting rights—the single greatest expression of citizenship participation. Positively addressing issues like that would help them retain a strong, constant tie between Australia and its expatriate community.<sup>152</sup>

5.105 Similarly, the SCG suggested that Australian citizens living overseas should be able to enrol *at any time* after they cease to reside in Australia, and without having to state an intention to return to Australia within any period of time.<sup>153</sup> However, Mr Bryan Mercurio and Professor George Williams felt the US model went too far.<sup>154</sup>

5.106 Mr John MacGregor from the SCG suggested that the UK approach might also be suitable:

I would favour something like the UK experience, with the possibility of demonstrating further that you do have a continuing economic interest in Australia or other ties or that you are regularly returning to Australia.<sup>155</sup>

5.107 However, Professor George Williams felt that the 20-year period used in the UK model '... is too long for someone to be outside of the country without any form of return and still be able to vote'.<sup>156</sup>

---

148 Gilbert & Tobin Centre of Public Law, *Submission 286*, p. 4; Professor George Williams, *Committee Hansard*, 27 July 2004, p. 47.

149 *Submission 286*, p. 4.

150 *ibid.*

151 Mr Julian Callachor, *Submission 520*, p. 3; Mr Ronald Delmenico, Australian New Zealand-American Chambers of Commerce, *Committee Hansard*, 28 July 2004, p. 39; Mr Shannon Tobin, *Submission 480*, p. 2.

152 *Committee Hansard*, 28 July 2004, p. 39.

153 *Submission 665*, p. 107.

154 Mr Bryan Mercurio, *Committee Hansard*, 27 July 2004, p. 49; Professor George Williams, *Committee Hansard*, 27 July 2004, pp. 49-50.

155 *Committee Hansard*, 29 July 2004, p. 12.

156 *Committee Hansard*, 27 July 2004, pp. 49-50.

5.108 Mr Bryan Mercurio and Professor George Williams favoured the New Zealand approach, because it required a continued connection with Australia.<sup>157</sup> Mr Bryan Mercurio commented that, for example:

... the New Zealand model is probably a better model: showing close ties, one of which is returning to the country within a set period of time. I am not necessarily saying that three years, as in New Zealand, is the correct model. Maybe it should be five years, six years or longer, but that model clearly shows you still have an interest ...<sup>158</sup>

5.109 Similarly, Professor George Williams expressed the view that:

I think that there ought to be some level of connection with Australia required, beyond mere citizenship ... For me, the question is what connection there ought to be and ... it ought to be something that is easy to administer.<sup>159</sup>

5.110 In response to the Committee's queries as to how a system similar to the New Zealand system might be administered in Australia, Professor Williams responded:

I think administratively the way it would work is that someone would simply tick a box indicating that they have actually done so [returned to Australian within a certain number of years]. The Electoral Commission may audit some of those or, if it has particular reasons to do so, it may require evidence. But otherwise I do not think there should be a requirement for evidence.<sup>160</sup>

5.111 When questioned whether some form of statutory declaration could accompany an enrolment application, Professor Williams responded:

It may be good ... to require a witness to that, because it adds a level of formality and makes it clear to someone that this is a document of some importance ... Of course, when you compare that type of declaration to how you enrol to vote in the first place, it is not markedly different. It is not as if you have to go through any more significant hoops to enrol in the first place, so I cannot see why you would add an extra limitation to it in terms of that sort of declaration.<sup>161</sup>

---

157 Mr Bryan Mercurio, *Committee Hansard*, 27 July 2004, p. 49; Professor George Williams, *Committee Hansard*, 27 July 2004, pp. 49-50.

158 *Committee Hansard*, 27 July 2004, p. 49.

159 *ibid.*

160 *ibid.*, p. 51.

161 *ibid.*

---

5.112 Another suggestion in some submissions was that a special electorate could be created for expatriate Australians.<sup>162</sup> This is considered further in Chapter 8.

### *The Committee's view*

5.113 The Committee agrees that the Commonwealth Electoral Act should be extended to allow a greater number of expatriate Australian citizens to enrol and therefore to vote. The Committee believes that the current restrictions are increasingly redundant in modern society. The Committee recognises that many Australians living overseas are increasingly mobile, and many return to Australia on a regular basis. Many expatriates also maintain their connections to Australia, and are able to keep informed in relation to Australian affairs through improved communication technologies.

5.114 The Committee therefore considers that the enrolment provisions should be relaxed to make it easier for Australian citizens overseas to maintain their electoral enrolment (or 'EOE status'). At the same, the Committee supports the notion that such Australians should be required to demonstrate some form of continuing connection with Australia, such as having returned to Australia in recent years, along the lines of the approach taken by New Zealand.

5.115 The Committee therefore considers that Australian citizens moving or living overseas should be entitled to register as an EOE if they:

- either left Australia in the previous three years or have returned to Australia (for any length of time) in the past three years; and
- intend to resume residence in Australia within six years of their departure.

5.116 The Committee recognises that, under the current provisions, it is particularly difficult to maintain enrolment once an Australian has been living overseas for over six years. Therefore, in the case of Australian citizens who have been living overseas for over six years, the Committee recommends that they should be entitled to renew their enrolment for up to three years at a time if they have returned to Australia (for any length of time) within the last three years.

### *Administrative considerations*

5.117 The SCG considered that any potential administrative issues created by extending the ability to enrol and vote to overseas Australians would not be significant enough to justify rejecting such amendments. The SCG felt the existing provisions in the Commonwealth Electoral Act prevent 'forum shopping' or 'electorate stacking' by overseas Australians. As outlined earlier, these provisions limit the electorate in which

---

162 Mr Simon Robinson, *Submission 79*, p. 2; Ms Sharon Readon, *Submission 196*, p. 2; Mr Andrew Wettern, *Submission 457*, p. 2; *Submission 466*, p. 5; China-Australia Chamber of Commerce, *Submission 637*, p. 4; *Submission 459*, p. 3.

a person can enrol to that of their last address, their next of kin, or where they were born.<sup>163</sup> The SCG also argued that:

Further, even if the right to vote were returned to all overseas Australians tomorrow, it is unrealistic to expect that more than a few thousand would exercise that right. First, many would not realise that they had been re-enfranchised, as at present virtually no avenues exist for the AEC to reach overseas Australians. Second, not all those who were aware that they could vote would exercise their right to vote because they would not feel informed or interested enough to make the effort from so far away.<sup>164</sup>

5.118 On the other hand, the Gilbert & Tobin Centre of Public Law recognised that changing the current laws may involve some administrative considerations:

We do not suggest that such a change would be easy or cheap to implement. Increasing the number of overseas voters would require at the very least that the Australian Electoral Commission be given sufficient resources to manage the process. Maintaining an accurate and up-to-date electoral roll will be challenging ... Nevertheless, recognising and giving effect to the citizenship rights of all Australians is an important and worthy goal.<sup>165</sup>

### *Compulsory voting?*

5.119 A related issue is whether voting for overseas Australians should be compulsory. Currently, voting is not compulsory for overseas Australians, although failure to vote may result in cancelled enrolment. It was generally felt that voting should continue to be non-compulsory for overseas Australians.<sup>166</sup> For example, Professor George Williams, while supporting compulsory voting for the general Australian electorate, expressed his view that:

I do not think you could apply compulsory voting in its current form to overseas electors. The impediments to doing so are too high, technologically and administratively, and also I think there are reasons why certain overseas Australian citizens ought not be required to vote.<sup>167</sup>

5.120 He further suggested that registration as an Australian overseas elector should be voluntary, but voting should be compulsory once registered, as this would:

... maintain some of the integrity of the compulsory voting system without running into the problems of trying to track down 900,000 Australians

---

163 *Submission 665*, p. 112; see also Commonwealth Electoral Act, subs 94A(3).

164 *Submission 665*, p. 112.

165 *Submission 286*, p. 5.

166 See, for example, Mr Ronald Delmenico, Australian New Zealand-American Chambers of Commerce, *Committee Hansard*, 28 July 2004, p. 38; SCG, *Submission 665*, p. 112.

167 *Committee Hansard*, 27 July 2004, p. 52.

---

living overseas and saying, 'Why didn't you vote?' when it would never have been possible in many circumstances to do so.<sup>168</sup>

5.121 However, Mr John MacGregor from the SCG felt that:

... the administrative arrangements for the conduct of overseas voting would have to change considerably before you could think about compulsory voting for overseas electors.<sup>169</sup>

5.122 The Committee agrees that voting should continue to be non-compulsory for overseas Australians.

*Logistical issues and electronic voting*

5.123 Currently, voting overseas is achieved by either voting in person at an overseas polling place (which includes Australian Diplomatic Missions) or by postal vote. Australians overseas at the time of an election may cast a pre-poll vote or apply for a postal vote at designated Australian Embassies, High Commissions, Consulates-General and Consulates. Postal vote applications are also available from the AEC website once an election has been announced. The application is completed and then sent or delivered to the nearest overseas polling place. Ballot papers are then sent to the applicant, and returned by the elector to the Divisional Returning Officer or the Assistant Returning Officer.<sup>170</sup>

5.124 Mr Mike Garrett expressed some dissatisfaction with this process:

I had to take a day off work to travel to the Australian embassy in London to vote in the last national elections, which was annoying. (Postal votes had to be sent in some weeks in advance, as I recall). Sure there could be an easier way!?!<sup>171</sup>

5.125 Similarly Mr Shannon Tobin felt that the process for voting while overseas was too complicated:

Whilst I have been away from Australia I have not voted in any election, due to the complicated process involved of overseas voting ... The voting process needs to be made simpler in order to encourage the expat community to vote and not discourage them...<sup>172</sup>

---

168 *ibid*, pp. 52-53.

169 *Committee Hansard*, 29 July 2004, p. 3.

170 [http://www.aec.gov.au/content/what/faqs/vote\\_os.htm#3](http://www.aec.gov.au/content/what/faqs/vote_os.htm#3) (accessed 7 September 2004).

171 *Submission 627*, p. 2.

172 *Submission 480*, p. 2.

5.126 Some submissions suggested that electronic voting should be investigated to facilitate voting for Australians overseas.<sup>173</sup> For example, AustCham Beijing asked:

When will we be able to vote in Australian elections over the internet, rather than by snail mail, or via physically attending an Embassy or Consulate?<sup>174</sup>

5.127 Similarly, the SCG recommended that:

... further research into electronic voting and enrolment methods be pursued as a matter of urgency with a view to their introduction and use as a way of supporting the exercise of the right to vote by Australians overseas.

5.128 The Committee notes that an AEC report has recommended that federal, state and territory Electoral Acts be amended to enable a trial of electronic voting for overseas electors (among others).<sup>175</sup> On the other hand, the Committee notes that the JSCEM report into the 2001 federal election rejected a possible trial of electronic voting by the AEC.<sup>176</sup> The JSCEM report concluded that the AEC should provide that Committee with a detailed implementation plan before any approval for pilot trials.<sup>177</sup>

5.129 While the Committee received little evidence on the issue of electronic voting, the Committee notes electronic voting is being trialled in a number of jurisdictions around the world.<sup>178</sup> The Committee recognises that there are a number of technical and logistical issues, particularly in relation to security and authentication, which may need to be overcome before electronic voting is a viable option.<sup>179</sup>

---

173 SCG, *Submission 665*, p. 108; *Submission 466*, p. 5; AustCham Beijing, *Submission 637*, p. 4; Professor George Williams, *Committee Hansard*, 27 July 2004, p. 47.

174 *Submission 637*, p. 4.

175 AEC and Victorian Electoral Commission, *eVolution not revolution, Electronic Voting Status Report 2*, September 2002, p. 20.

176 JSCEM report, p. 267.

177 *ibid.*

178 AEC and Victorian Electoral Commission, *eVolution not revolution, Electronic Voting Status Report 2*, September 2002, p. 2, 17; see also B Mercurio, 'Beyond the Paper Ballot: Exploring Computerised Voting', in G Orr, B Mercurio, G Williams (eds), *Realising Democracy: Electoral Law in Australia*, The Federation Press, Sydney, 2003, p. 241.

179 Australian Electoral Commission and Victorian Electoral Commission, *eVolution not revolution, Electronic Voting Status Report 2*, September 2002, pp. 16-17; see also [http://www.aec.gov.au/content/what/faqs/vote\\_os.htm](http://www.aec.gov.au/content/what/faqs/vote_os.htm) (accessed 7 September 2004).

---

### *Education and information on voting for overseas Australians*

5.130 Once again, lack of information for overseas Australians was a common concern when it came to enrolment and voting issues.<sup>180</sup> For example, Ms Georgina Wright stated in her submission:

I have no concerns with the exception of the very silent but deadly law removing one's right to vote if an application for registration as an overseas voter is not applied for. I was lucky enough to find out about the existence of this rule just before the 2 year period was up. Otherwise I'd be 'disenfranchised' for this year's federal elections, which would be a personal disaster.<sup>181</sup>

5.131 Professor George Williams commented that:

... there needs to be improvement in the way information is given to expat Australians about the current legal regime. Information is not easily accessible other than via the Internet, if you already know to look at the Internet. It is not provided in other obvious ways that might assist. That might involve funding issues for the Australian Electoral Commission.<sup>182</sup>

5.132 In its submission, the SCG suggested several ways to increase and improve the information made available to Australians overseas about enrolment and voting, including provision of information at various locations to Australian citizens leaving Australia, and at Australian overseas missions.<sup>183</sup> For example, the SCG suggested that information leaflets could be made available alongside passport application forms at post offices and consular posts.<sup>184</sup> While acknowledging that improved information would prevent future Australians from becoming disenfranchised, the SCG reiterated its concern that many overseas Australians are 'already disenfranchised'. According to the SCG, as a result:

Information about an election is of no practical use to these people at the current time because they have lost the right to vote.<sup>185</sup>

5.133 The Committee notes that the JSCEM report also discussed the low level of awareness of the overseas enrolment provisions.<sup>186</sup> Recommendation 6 of the JSCEM

---

180 See, for example, SCG, *Submission 665*, pp. 109-111; Ms Georgina Wright, *Submission 496*, p. 1; Mr Peter Thompson, *Submission 531*, p. 1; Professor George Williams, *Committee Hansard*, 27 July 2004, p. 47; Advance, *Submission 676*, p. 37; Ms Jo Anne Ray, *Submission 370*, p. 16; see also Lowy report, pp. 66-69.

181 *Submission 496*, p. 1.

182 *Committee Hansard*, 27 July 2004, p. 47.

183 *Submission 665*, pp. 109-111; see also Lowy report, which also suggests that the AEC should notify EOs automatically when an election is called: p. 69.

184 *ibid.*, p. 109.

185 *ibid.*, pp. 115-116.

186 JSCEM report, pp. 76-78.

report suggested that the AEC provide comprehensive information on overseas voting entitlements and enrolment procedures to all electors who contact the AEC about moving overseas.<sup>187</sup> The Federal Government responded to this recommendation as follows:

The AEC will review its approach to providing information to persons who contact it about moving overseas and amend staff training accordingly. The AEC website already provides a substantial amount of information including frequently asked questions, and information about eligibility and forms for overseas electors ... The AEC is also working closely with the Department of Foreign Affairs and Trade to provide better service at the next federal election through the provision of ballot papers electronically to diplomatic posts.<sup>188</sup>

5.134 The Committee understands that the AEC has made efforts to improve the level of education and availability of information since the JSCEM report. This has included an initiative targeting travellers and expatriates,<sup>189</sup> and information and training sessions for consular staff in Canberra and staff in overseas missions.<sup>190</sup> The Committee also notes that the most recent AEC Annual Report states that its customer inquiry email service received more than 1,375 inquiries from Australians living, travelling, or about to depart overseas.<sup>191</sup>

5.135 In response to the Committee's questioning, a representative from DFAT explained its role in providing information to Australians overseas about voting:

We have a very close role with the Australian Electoral Commission in the provision of voting facilities overseas for elections and in doing that we act in effect as an agent of the AEC. When we fulfil that role at the time of elections ... we provide a lot of information about policy, voting procedures and so on. When it comes to information about ongoing changes to legislation in relation to elections that impact on the rights and interests of Australians overseas, I think that is principally an issue for the AEC. We are certainly always happy to provide that information and to use our networks overseas to disseminate that information, but I do not think we would be the initiators of that process.<sup>192</sup>

5.136 A related issue raised in submissions was that some expatriates had removed their name from the electoral roll due to a belief that the Australian Taxation Office

---

187 *ibid*, p. 78.

188 Government Response to the Report of the Joint Standing Committee on Electoral Matters: *The 2001 Federal Election, Senate Hansard*, Thursday 16 October 2003, p. 16687; see also SCG, *Submission 665*, pp. 113-114.

189 "AEC launches campaign to get expatriates to vote", *Australian Financial Review*, 31 May 2004, p. 5.

190 AEC, *Annual Report 2002-2003*, p. 58.

191 AEC, *Annual Report 2003-2004*, p. 54 & 193.

192 *Committee Hansard*, 29 July 2004, p. 18.

---

(ATO) refers to the roll in assessing a person's residency for tax purposes.<sup>193</sup> The SCG suggested the ATO should issue a Guidance Note stating that a person's inclusion on the electoral roll shall have no bearing on the determination of whether a person is resident or non-resident for taxation purposes.<sup>194</sup> It also suggested that information provided by the AEC should include a clear statement that a person's enrolment status is not a factor to be considered by the ATO in determining their residency status.<sup>195</sup> The Committee received little other evidence on this issue, but notes that, during the JSCEM's inquiry into the 2001 federal election, the ATO undertook to clarify the relevance of registration on the electoral roll in determining residency status.<sup>196</sup>

---

193 JSCEM report, p. 81; Dr Anthony Linden, *Submission 375*, p. 5; AustCham Singapore, *Submission 369*, p. 7.

194 SCG, *Submission 665*, p. 110.

195 *ibid*, p. 111.

196 JSCEM report, p. 81.



# CHAPTER 6

## REPATRIATION AND RELATED CONCERNS

*One of the enduring features of all diaspora is return migration to the homeland.*<sup>1</sup>

6.1 This chapter examines the following issues:

- do expatriates want to return to Australia? And will they?
- should there be assistance for repatriates?; and
- realities of expatriation.

### **Do expatriates want to return to Australia? And will they?**

6.2 The Hugo survey showed that, overall, half the respondents expressed an intention to return to Australia at some stage; a third of the remainder were undecided. Respondents in the US and Canada were the least likely to come back; the most likely to return were those based in Asia, with over 60 per cent stating their intention to do so. Young expatriates were more likely to express an intention to return than their older compatriots.<sup>2</sup>

6.3 A considerable number of the submitters to this inquiry were ambivalent about returning to Australia. As Mr Mark Gough told the Committee, 'I want the lifestyle, the weather, my family' but he had to weigh that against the 'breath of fresh air that is the international work arena'.<sup>3</sup>

6.4 Of the large number of submitters who indicated they expected to return to Australia at some time in the future, lifestyle and family reasons predominated. As Mr Kenneth Mackenzie told the Committee, 'The Australian lifestyle and climate will eventually bring me back, probably when we decide to start a family'.<sup>4</sup> Ms Rachel Matthews was another to nominate the start of her family as the likely time she would return;<sup>5</sup> while Ms Susan Moriarty echoed the widely held belief that Australia was a better place to raise a family.<sup>6</sup>

6.5 In evidence to the Committee, Ms Elena Douglas of Advance stated:

---

1 G Hugo, 'International mobility of the highly skilled', in FQ Wood, ed, *Beyond Brain Drain*, UNE, 2004, p. 82.

2 Hugo report, p. 50.

3 *Submission 557*, p. 2.

4 *Submission 23*.

5 *Submission 293*, p. 2.

6 *Submission 149*, p. 1.

... anecdotally it does appear that the decision to return is often not career based. Particularly for people in the United States, it is most unlikely that a superior role – certainly in the income sense – will be what they are coming to here. It would be very rare for people to be returning to a high-income bracket. Certainly the children and partner decision-making is key ... a key opportunity for the Australian government, if it wants to get people to return, is the hook of grandparents, the beautiful lifestyle and the wonderful beaches.<sup>7</sup>

6.6 As Professor Hugo pointed out, and as many submissions corroborated, a significant barrier to return for many was the circumstances of their partner. Given the preponderance of persons between the ages of 24 and 39 leaving Australia for extended stays, partnering overseas with an overseas national must be regarded as a distinct possibility. In the Hugo survey, of those respondents with a spouse or partner, only 30.6 per cent of the spouse/partners were Australian-born. Respondents with spouses born overseas were not as likely to return to Australia as those with Australian-born spouses. Respondents whose spouses held Australian citizenship (68.6 per cent) or dual citizenship (55 per cent) were the most likely to have plans to return to Australia.

6.7 Respondents to the Hugo survey who stated they intended to return to Australia to live overwhelmingly gave two reasons for doing so: lifestyle (82.9 per cent) and family (71.5 per cent).

6.8 The Hugo survey respondents who were undecided about returning to Australia or who did not intend to do so included the following reasons for their decision:<sup>8</sup>

**Table 6.1 Reasons given for decision not to return to Australia**

Reasons	Percentage
Better employment opportunities overseas	45.4
Established in current location	40.9
Career, promotional opportunities overseas	40.8
Higher income overseas	40.4
Marriage/partnership issues	38.6
Lifestyle more attractive overseas	30.6
Partner's employment	26.4

Source: Emigration Survey 2002

7 *Committee Hansard*, 27 July 2004, p. 19.

8 Hugo report, p. 53.

6.9 Professor Hugo noted that the age of respondents to his survey appeared to be a major determinant of intention to return. Older respondents were less likely to want to return than were the younger ones.<sup>9</sup> This was not entirely supported by submitters to this inquiry. Of those who addressed the matter, there was considerable support for a return to Australia in retirement, at whatever monetary cost in terms of lost or reduced superannuation entitlements or taxation challenges.

6.10 There were other life points at which a return to Australia was likely, according to the submissions received. As noted above, starting or bringing up a family in Australia was a popular choice.<sup>10</sup>

### **Assistance for repatriation?**

6.11 In Chapter 9, the Committee considers the various federal and state schemes for inducing highly skilled expatriates in specific disciplines to return to Australia. In the Committee's view, they are clearly in Australia's interests and should be supported, at federal, state and local level, as circumstances dictate. The Committee does not support untargeted schemes to induce other expatriates to return.

6.12 Mr Timothy Nelsen, who has studied the public policy implications of return migration, canvassed the possible government options for encouraging return migration, including staying in touch with expatriates and offering incentives such as covering travel costs and tax relief on business start-up.<sup>11</sup> Other submitters suggested that expatriates should be offered tax breaks<sup>12</sup> and housing assistance to entice them to return. The Committee does not support such proposals.

6.13 Evidence suggests that about half our expatriates will return to Australia at some stage. The Committee notes the view offered by Mr Timothy Heslen in his study of return migration, that 'the Australian diaspora is more likely to return of its own accord rather than having any kind of forcing from government policies'.<sup>13</sup> Expatriates will probably return at particular points in their life cycles, for example, to start a family, to educate children, or to retire. In addition there are late-career repatriates, enticed by the various inducements on offer and there are an unknown number of impromptu repatriations, necessitated by family or other crises. The Australian lifestyle and family-related matters which will draw them back are largely matters over which the Federal Government has little control.

---

9 *ibid*, p. 50.

10 See, for example, Mr Patrick Mitchell, *Submission 205*, Ms Lucy Van Der Wall, *Submission 556*.

11 Mr Timothy Neslen, *Submission 52*, p. 41.

12 Mr Andrew Wettern, *Submission 457*.

13 Mr Timothy Neslen, *Submission 52*, p. 40.

## Realities of repatriation

6.14 The Committee notes that those returning to Australia had mixed repatriation experiences. Mr John Werry from VEN recounted the following example:

... one of our colleagues used to work in Brussels and recently came back to Australia to work in our department. He spent a year engineering his return. By using some of our government departments and working through the Victorian Expatriate Network, he ... reconnected himself into the Victorian professional community in health care and micro and nanotechnologies. He returned and seems to have very few problems, and he thoroughly recommends that as a way of approaching it – spending some time while you are over there reconnecting yourself so that it is a smooth transition.<sup>14</sup>

6.15 The Committee was unable to pinpoint the proportion of repatriates who experienced problems on resettlement. It is possible that many who have slotted comfortably back into life in Australia did not have the inclination to make a submission to the Committee's inquiry. As Ms Anne MacGregor indicated, the SCG also probably heard more from the people who were unhappy.<sup>15</sup> Yet the picture most frequently received by the Committee was that of repatriation difficulties:

Repatriation is a major life transition that is complex and inherently stressful. Relocation in general (whether as an Expatriate or as a Repatriate) has been shown to be one of the top ten causes of stress and Repatriates often go through what is known as "reverse culture shock", experiencing feelings such as confusion, anxiety and alienation.<sup>16</sup>

6.16 Most support groups attribute the difficulties faced by repatriates to a generally hostile stay-at-home population, resentful of the repatriates' success (if achieved), unreceptive to their travellers' tales, and unwilling to respond positively to suggestions as to how things might be done differently. While undoubtedly there is an element of truth in this, recent research commissioned by the Lowy Institute for International Policy has shown Australians are growing sanguine about their fellow countrymen who have chosen to go overseas. Some 91 per cent of those surveyed considered expatriates to be adventurous people prepared to try their luck overseas; only 10 per cent felt they had let their fellow Australians down by leaving Australia. And the attitude of the younger generation was significantly more positively inclined towards expatriates than were their seniors. Some 73 per cent of respondents under the age of 30 considered long-term expatriates to be 'real' Australians, while only 38 per cent of respondents over the age of 65 did so.<sup>17</sup>

---

14 *Committee Hansard*, 28 July 2004, p. 31.

15 *Committee Hansard*, 4 August 2004, p. 4.

16 *Connectivity, Submission 644*, p. 2.

17 Lowy Institute for International Policy, *Australians' Attitudes to Expatriates: preliminary opinion poll research*, UMR Research, 2004.

6.17 Ms Catherine Rawson, a self-described 'serial expatriate', stated that hostility towards expatriates was once common:

Many expat Australians complain that they feel stay-at-home Aussies perceive them as disloyal for having left home to live and work abroad. This parochial attitude once existed – I remember Joan Sutherland being challenged on TV in this vein - but I think it is on the wane now.<sup>18</sup>

6.18 While outright hostility may be a thing of the past, community indifference or lack of understanding of the repatriates' situation appears to be still prevalent. The solution Ms Rawson found was the following:

I learnt early that I must accept responsibility for fostering relationships at home. Most of my friends and former colleagues have limited interest in hearing of my experiences abroad. Luckily, I'm glad to catch up with their news and don't feel the need for them to reciprocate in equal measure. This attitude seems to be the key to easy reintegration.<sup>19</sup>

6.19 The Committee notes that modern communication technology and the growth of the Internet is making it increasingly easier for expatriates to maintain links whilst living overseas, which in turn is likely to improve their experience on repatriation.

### ***Employment***

6.20 The single most disheartening experience of repatriation for some was the difficulty in finding employment back in Australia. Miss Adrienne Farrelly told the Committee that:

Australian industries just do not recognise or value ... international experience.<sup>20</sup>

6.21 Or as Dr Rowan Gilmore, himself a repatriate, put it:

... from the expatriates' point of view, it is a case of managing expectations. After [they] get over [culture] shock and the shock of the tax system and the shock of salaries, expats come back with a pretty powerful looking resume that often does not count for a whole bunch because of the Australian culture, to a certain extent ... The biggest problem in repatriating is the lack of networks and the lack of intimate knowledge of the system in Australia.<sup>21</sup>

6.22 Now back overseas, Ms Ellen Sanders reflected on her repatriation attempt. She was fortunate enough that her old job was held open for her for 18 months while she was away, but on her return she found that the position had changed and that she

---

18 *Submission 650.*

19 *ibid.*

20 *Committee Hansard, 28 July 2004, p. 16.*

21 *Committee Hansard, 27 July 2004, p. 8.*

had grown, and after her international experience she found the job 'stifling', managers without overseas experience found her presence 'threatening', and never called on her new skills.<sup>22</sup> Not surprisingly, she moved on.

6.23 One repatriate support group, the Melbourne International Social Group, told the Committee that about 70 per cent of its 300 members were unemployed:

These are all professional people who have many years of experience, both in Australia and overseas. There are many of them who have been struggling to find jobs for well over a year ... there is something wrong – whether it is with our culture or our structures – such that we have this wasted human and intellectual capital, who are desperate to find jobs and desperate to contribute to Australia but who are finding that they are simply not valued.<sup>23</sup>

6.24 Mr John Surtees questioned whether it was the recruitment process that was at fault, asking whether recruitment agencies regarded international experience as effectively 'a gap in a resume which is otherwise hitherto unexplained'.<sup>24</sup> Even those who were successful in finding work were often disappointed in the job they found, as it so rarely provided an opportunity to make use of their range of skills and experience.<sup>25</sup>

6.25 About half the jobs advertised in Australia are now advertised online. The Department of Employment and Workplace Relations runs an online job databank,<sup>26</sup> which should provide expatriates with a reasonable overview of the opportunities available. Linking expatriates, and particularly expatriates with more entrepreneurial skills, with appropriate work opportunities in Australia could obviously be assisted through specifically targeted networks.

6.26 The Committee notes the view that the most important step for any expatriate intending to return at some stage, but most particularly during working years, is to foster and maintain connections with the homeland. Maintaining connections with alumni groups, and with professional and industry associations, is much easier these days via the Internet. While networks can probably go only a short way towards preparing expatriates for the culture shocks they may experience on their return, they certainly should be able to offer an increasing amount of help in finding work, accommodation and general information about services.

6.27 While there are commonalities amongst repatriates in the repatriation experience, there are also major differences, depending in part on the reasons for the

---

22 *Submission 312*, p. 2.

23 Ms Cynthia Balogh, *Committee Hansard*, 28 July 2004, p. 21.

24 *Committee Hansard*, 28 July 2004, p. 24.

25 See, for example, *Submission 373*.

26 See [www.jobsearch.gov.au](http://www.jobsearch.gov.au).

---

repatriation, the length of time away and the degree of connection maintained with Australia during the expatriation period. It seems to the Committee that, having tasted the advantages of an overseas lifestyle and weighed that up against the family and lifestyle opportunities here, many expatriates and repatriates will live out their lives tinged with mild regret that they cannot be in two places at once.

6.28 The Committee is surprised at the level of disappointment of many repatriates concerning the job opportunities available to them on their return to Australia. Many of them left Australia precisely because of the greater employment opportunities on the world stage, the higher incomes, the greater job satisfaction, or the enhanced career opportunities. Even if they have returned to Australia, as many undoubtedly have, with more experience, enhanced skills, better contacts, and greater cross-cultural understanding, this does not necessarily mean that openings will have developed in Australia in their absence.

6.29 The Committee notes that non-government groups have sprung up to support expatriates, to assist them to settle in to overseas locations, and to provide socialisation opportunities. The Committee also notes that organisations such as the Melbourne International Social Group have started up in Australia to help repatriates, and expects that similar groups will develop. In addition, a number of companies offer services on a commercial basis to assist those repatriating.



# CHAPTER 7

## OTHER CONCERNS OF EXPATRIATES

7.1 This chapter examines some of the other concerns of Australian expatriates including:

- taxation issues;
- superannuation;
- issues relating to driver's licences;
- medical insurance issues;
- social security agreements;
- working holiday arrangements; and
- issues relating to tourist visas.

7.2 Each of these issues will be considered below.

### **Taxation issues**

7.3 A number of submissions commented on taxation. The most significant areas of concern were:

- income tax rates;
- withholding tax for non-residents;<sup>1</sup>
- lack of a tax-free threshold for expatriates on superannuation pensions;
- section 23AF of the *Income Tax Assessment Act 1936* (expatriates working in countries with no personal income tax); and
- the need to make information on tax issues more available to expatriates.

### ***Income tax rates***

7.4 A substantial number of submissions raised income tax rates as an issue, generally to argue that they are too high. Some submitters, such as Mr Ray Thaller, claimed income tax as a factor 'driving them out' of Australia:

As a potential emigrant (I will be emigrating shortly to the US), I can say that one of the reasons Australians are leaving home is not just to make a splash in a bigger pond as some suggest, but because our tax rates are not

---

1 In tax law, expatriates are referred to as 'non-residents'. In this section 'non-residents' will be used where appropriate to maintain consistency with the legislation, and 'expatriates' will be used in a more general sense. For the purposes of this report, the two terms have identical meanings.

internationally competitive. Much smaller countries like Singapore recognize that they will always be a small pond, hence make it attractive through low income tax rates. Taxes have to be internationally competitive to lure expatriates back and to reduce incentive for Australians wanting to go overseas.<sup>2</sup>

7.5 Other submissions described (allegedly) high rates of income tax as a factor which may prevent or delay repatriation. For example, the SCG stated that:

The relatively high level of income taxes in Australia compared with the much lower levels applying in many of the countries in which [expatriates] live, is identified as one of the major reasons not to repatriate to a country where job prospects commensurate with their experience and qualifications are limited and a large part of their earnings is taken in tax.<sup>3</sup>

7.6 Most submissions argued that the solution was for Australia to institute a lower personal income taxation regime, though some submitters sought specific tax concessions in order to entice expatriates to return. For example:

What about some kind of tax "forgiveness" for the first five years of returning Australians? What about low-cost housing loans? A lower mortgage? Subsidised housing? Maybe a \$200 fare for returning Australians?<sup>4</sup>

7.7 The Committee does not support tax 'forgiveness' or other tax concessions for returning expatriates. Such a system may in fact have the perverse effect of forcing more Australians overseas in order to qualify for concessional taxation when they return.

7.8 Concern about the level of personal income tax is not confined to expatriates, but rather is a regular feature of Australian public debate on tax policy. The Committee supports one underlying argument in these submissions: that Australia should have an internationally competitive taxation regime. However, in the Committee's view it is somewhat simplistic to examine personal income tax in isolation. Rather, income tax should be considered in the context of the taxation system *as a whole*, and also in terms of the services which are provided by government. Other nations may indeed have smaller levels of income tax, but may compensate for this either by having other forms of taxation, or by providing lower levels of government service. One submitter, Ms Emma Cuttler, took a more sophisticated view of personal income taxation and found that she preferred a nation with relatively high levels of personal income tax:

I am currently paying 40% income tax in Denmark, which is at the low end of the scale. However I am entitled to free medical cover, I attend free Danish language classes each week, I have access to the libraries and if I

---

2 *Submission 208*, p. 1.

3 *Submission 665*, p. 117.

4 Mr Louis Cooper, *Submission 167*, p. 3.

---

am living here after 2 years I will be entitled to free education with study payments from the government each month.<sup>5</sup>

7.9 The Committee noted that some submissions on personal income tax appeared confused about what the actual level of personal income taxation is. For instance, Dr George Botha stated:

Fifty percent tax in Australia is an appalling tax on reward, hence people in Australia don't work hard. This is one of the reasons why many Asian countries have growth rates of about 8-10%, whereas in Australia we struggle for each half that growth rate.<sup>6</sup>

7.10 Statements such as this one give the impression that resident high income earners are paying 47 per cent income tax on every dollar they earn. This is simply not the case. Personal income tax rates in Australia are *marginal* tax rates. That is, 47 per cent taxation is only applied to every dollar earned over \$70,000 (in 2004/05). Even for high income earners, their first \$6000 in income is untaxed; their income between \$6001 and \$21,600 is taxed at 17 per cent; between \$21,601 and \$58,000 at 30 per cent; and between \$58,001 and \$70,000 at 42 per cent. Only their income above this amount attracts 47 per cent taxation.

7.11 This system of progressive taxation is a cornerstone of Australian taxation, because it places the greater tax responsibilities on those with the greatest capacity to pay, and seeks a lesser contribution from those with a lesser capacity to pay. While the precise levels of marginal taxation, and the income thresholds at which they should apply, are likely to continue to be matters of political debate, the system of progressive income taxation itself is unlikely to be changed in order to reduce perceived barriers to expatriates returning to Australia.

### ***Withholding tax for expatriates***

7.12 Non-resident Australians who earn Australian income in the form of interest, dividends and royalties will have some of those earnings withheld under the pay as you go (PAYG) withholding tax system. The withholding tax on interest is 10 per cent, and the withholding tax on the unfranked portion of dividends and royalties is 30 per cent, unless Australia has a tax agreement with the non-resident's country of residence (in which case the rate is generally lower). This is a *final* withholding tax; that is, once the withholding tax has been paid, the taxpayer's tax liability is fully discharged.

7.13 Some submissions argued that this withholding tax is unfair. Australian Chamber of Commerce, Singapore (AustCham Singapore) suggested that the withholding tax on interest should be waived.<sup>7</sup> Mr Quentin Waddell argued that

---

5 *Submission 500*, p. 1.

6 *Submission 415*, p. 2.

7 *Submission 369*, p. 9.

instead of paying the withholding tax, expatriates should be able to enter dividend reinvestment programs, not pay tax on the re-invested income, then pay personal income tax once they return to Australia and realise the income.

7.14 This suggestion would be problematic. Currently, tax law treats wealth acquired through dividend reinvestment schemes as income, and taxes it as such, in the year it is earned. Allowing expatriates to reinvest their dividends, thus delaying their tax liability, would result in that reinvestment wealth occupying an ambiguous position where it is neither income (or else it would be taxed in the current year) nor exempt income (because a tax liability for that wealth remains).

7.15 This suggestion may also increase the complexity of the taxpayer's tax liabilities in their country of residence. Under the double taxation agreements Australia has with a substantial number of nations, Australian nationals may have their Australian tax credited against their tax liability (on their Australian income) in their country of residence. If the tax liability was deferred and not paid, and if the dividend reinvestment was regarded as income by their resident country, this may in fact result in the expatriate being taxed twice for that wealth: once by their country of residence in the year it is earned, and once when the gain was realised on return to Australia.

7.16 The Committee notes the concerns of expatriates regarding withholding tax, but acknowledges that this issue is part of the broader tax debate, and beyond the scope of this inquiry.

### ***Lack of a tax-free threshold for expatriates on superannuation pensions***

7.17 Another specific concern that was raised related to the fact that expatriates living on self-funded retirement pensions are not granted a tax-free threshold and as a result are required to pay tax on their entire pension:

Australian expatriate superannuation pensioners are not entitled to any Australian government financial assistance in their medical care simply because they do not live in Australia. Most such pensioners are also not entitled to the social security pension (the old age pension) because the means test disqualifies them. They are therefore not a financial burden whatsoever on the Australian government. They must look after themselves. Yet an unfair anomaly exists because any superannuation pension generated in Australia is fully taxed. There is NO tax threshold whatsoever. Out of the net pension they are then required to provide their own offshore medical insurance cover and to pay the costs of hospital outpatient treatment and associated medication.<sup>8</sup>

7.18 This issue is not restricted to superannuees. As a matter of policy, non-residents are not entitled to the tax-free threshold with respect to *any* personal income, instead paying a 29 per cent marginal tax rate on their first \$21,600 of Australian

---

8 Mr Barry Petersen, *Submission 190*, p. 1.

---

sourced income. Income in excess of \$21,600 is taxed at the same marginal tax rates as for Australian residents. Application of this policy to income from superannuation schemes results in the concern identified above. Any suggestion that tax-free thresholds should be implemented for superannuation pensions, by extension, would suggest the implementation of the tax-free threshold for all Australian-sourced income derived by non-residents.

***Section 23AF of the Income Tax Assessment Act 1936 (expatriates working in countries with no personal income tax)***

7.19 Another concern raised was the application of section 23AF of the *Income Tax Assessment Act 1936*, which relates to income tax exemptions for income derived by Australian residents whilst working on approved overseas projects.<sup>9</sup> According to Austrade, the main intent of section 23AF is to ensure that Australian consultants and contractors working overseas on approved projects do not suffer a tax disadvantage compared to similar workers of foreign countries, allowing them to operate and compete under tax-free conditions.<sup>10</sup>

7.20 The Committee is aware of concerns that a recent reinterpretation of section 23AF means that many who may previously have benefited from this section may now miss out. The Committee notes that the Joint Committee on Foreign Affairs, Defence and Trade has been inquiring into this issue as part of a broader inquiry into expanding Australia's trade and investment relationship with the economies of the Gulf States. The report of the Joint Committee may throw some light on this matter.

**Superannuation**

7.21 As with tax, superannuation was a common area of comment and concern amongst submissions. Two superannuation issues raised were:

- portability of superannuation; and
- residency requirements for small superannuation funds.

***Portability of superannuation***

7.22 Many expatriates wish to establish the basis for a retirement income by contribution to superannuation or similar tax-sheltered retirement savings vehicles, even while they are overseas. However, a number of submissions raised concerns regarding the 'portability' of such overseas retirement savings. 'Portability' in this context refers to the expatriate's ability to repatriate their retirement savings without

---

9 Mr Mitchell Ellis, *Submission 419*, p. 2.

10 Mr Martin Walsh, Australian Trade Commission, *Committee Hansard*, Joint Standing Committee on Foreign Affairs, Defence and Trade, 21 June 2004, p. 13.

facing punitive taxation penalties. This was particularly a concern for expatriates in the US and UK, but was not limited to residents of those nations.<sup>11</sup>

7.23 In the US, retirement savings are commonly accumulated through what are known as '401k accounts'. These are analogous to Australian complying superannuation funds. An Australian who lived and worked in the US, and who contributed to a 401k account, would face severe penalties upon their return to Australia:

Let me illustrate here what would happen in the case of an Australian (the same would happen in reverse to an American). There are a number of permutations (usually all adverse), but the following basic example will illustrate the dilemma. As noted above withdrawal from the US schemes is restricted until usually a person reaches a certain age. If an Australian were to return home, he must leave his 401K or IRA in the US since they cannot be moved or liquidated without a severe tax penalty (e.g. all cumulative gains would be taxed at current rates plus a 10% early withdrawal penalty). However, from an Australian tax perspective, as I understand, the Australian upon returning to reside in Australia would find that the Australian government would tax all dividends and interests and certain other gains in the year they arose even though the returning expatriate would not have access (without penalized withdrawal) to the funds in the account to pay the Australian tax that was levied. Although Australian tax law may recognize Australian tax sheltered savings vehicles, they do not recognize foreign ones and vice-versa in the US for an expatriate returning to the US who would have an Australian or other foreign sheltered scheme.<sup>12</sup>

7.24 This issue was recently considered by the Senate Select Committee on Superannuation, in its July 2002 report *Taxation Treatment of Overseas Superannuation Transfers*. While the Select Committee examined *all* incoming superannuation transfers, whether from returning expatriates or migrants entering Australia for the first time, its conclusions are relevant to the current inquiry.

7.25 The Select Committee recommended concessional taxation for the earnings of lump sums from foreign superannuation which were transferred to Australia. This is somewhat different to the situation described above, where the superannuation funds are to be held in the 401k account until retirement. In considering such accounts, the Select Committee was less prepared to offer concessions, arguing instead that such funds should be treated in the same manner as Australian non-complying funds:

The Committee also notes that, while an overseas entity may have many of the characteristics of a complying fund, it may be difficult to justify why earnings from such a source should be treated differently from earnings from any other non-complying source ... Specifically, if the earnings of an

---

11 See, for example, Dr Ron Hackney, *Submission 349*, who describes similar concerns in Germany.

12 Mr Frank Orban, *Submission 14*, p.2.

overseas non-complying fund are to receive concessional treatment, there may be a presumption that the same should apply to resident non-complying funds. However, the Committee considers that such a move may weaken the current distinction between complying funds which forms the basis of superannuation regulation in Australia.<sup>13</sup>

7.26 While the Committee is aware of the importance of the distinction between complying and non-complying superannuation funds, workers in Australia are inevitably able to contribute to complying funds. If they choose to contribute to a non-complying fund, they may make this choice with a full appreciation of the taxation consequences. An expatriate, in most cases, will *not* have the choice of making contributions to an Australian complying superannuation fund. It therefore seems anomalous to press a tax disadvantage upon them.

7.27 The Committee notes that the Senate Select Committee on Superannuation has made a full investigation of this issue. However, the Committee considers that consideration should be given to recognising some forms of foreign superannuation, which have characteristics similar to Australian complying funds, as complying funds for Australians resident in that nation at the time the contributions are made.

### ***Residency requirements for small superannuation funds***

7.28 For superannuation funds to attract concessional taxation, they must be *resident* superannuation funds. However, this may not be feasible in the case of small, self-managed superannuation funds operated, for instance, by a couple who then move overseas for a relatively short period. In recognition of this, the *Income Tax Assessment Act 1936* was amended to provide that a small fund could remain resident for tax purposes so long as its trustees are not absent from Australia for more than two years.

7.29 One submission argued that this two year period is too short:

Many expatriates are sent on overseas assignments for periods in excess of 2 years at the behest of their employers, a matter that is largely beyond their control.

It is submitted that the residency test for a superannuation fund should be amended to allow for a long-term 'hiberation' of 'mum and dad' funds to the eventual return of the expatriates or at the very least, extend the 'hibernation' period beyond 2 years, to perhaps 5 years.<sup>14</sup>

7.30 The Committee considers that the current two year permitted absence is adequate. If an expatriate plans to leave for more than two years, they have the options

---

13 Senate Select Committee on Superannuation, *Taxation Treatment of Overseas Superannuation Transfers*, July 2002, p. 25, para 3.29.

14 Mr Michael Blake, *Submission 598*, p. 3.

of appointing resident trustees or transferring the assets of their self-managed superannuation fund into a larger, resident, complying superannuation fund.

### **Driver's licence issues**

7.31 Another issue of concern raised in the course of the inquiry relates to the reciprocal recognition of driver's licences and between Australia and other countries. The Committee notes that Australia has recognised a number of countries with equivalent driver's licensing standards and procedures. Under reciprocal agreements with these countries, applicants for licences are not required to undergo a practical driving test. They are still required to pass a knowledge test.<sup>15</sup>

7.32 For countries where no reciprocal arrangement exists, however, many Australian expatriates experience difficulties when attempting to obtain a driver's licence. The SCG argued that due to language difficulties and time and cost issues it is not uncommon for expatriates who have been resident in a country for a number of years to continue driving on international driver's licences which have been issued in Australia. This is illegal in their country of residence and could result in serious consequences such as their not being covered by insurance in the event of an accident.<sup>16</sup> The SCG also pointed out that an Australian who becomes resident in an overseas country is required to obtain a local licence within a defined period of becoming a resident.<sup>17</sup>

7.33 The SCG voiced particular concern that Australia's policy towards foreigners driving in Australia has a direct impact on policies towards Australians in other countries. Ms Anne MacGregor of the SCG was critical of Austroads, the association of Australian and New Zealand road transport and traffic authorities. Austroads plays an important role in considering and approving applications for overseas countries seeking recognition of their driving licences in Australia. Ms MacGregor told the Committee:

Austroads does not seem to have grasped that its policy on the treatment of foreigners arriving in Australia with foreign licences directly impacts on the way other countries treat Australians overseas on this matter. Attempts are also under way to achieve a reciprocal licence arrangement with Belgium but these are going to be hindered if Australian licensing authorities are not prepared to allow Belgian citizens to swap their licences for Australian licences. A great deal remains to be done in this area. Many employment opportunities for expat Australians depend on the ability to be able to drive legally in their country of residence.<sup>18</sup>

---

15 A list of recognised countries can be found at <http://www.austroads.com.au/overseas.html> (accessed 26 November 2004).

16 *Submission 665A*, Attachment, p. 11.

17 *ibid.*

18 *Committee Hansard*, 4 August 2004, p. 3.

7.34 Increasing economic globalisation and movement of people will inevitably lead to a growing need on the part of many countries for reciprocal recognition of driver's licences. The Committee notes that other countries are also grappling with this issue. In the US, for example, the American Association of Motor Vehicle Administrators (AAMVA) has recognised that multinational corporations are relocating staff and their families around the world for extended periods, and that there is a rise in the number of countries seeking reciprocity agreements.<sup>19</sup> The AAMVA has established a working group to assist states (of the US) and provinces (of Canada) in their consideration of applications from other countries for reciprocity agreements.

7.35 The Committee notes that Austroads, through its Registration and Licensing task force, is continuing its work in this area, and encourages Austroads to expedite applications from other countries.

### **Medical insurance issues**

7.36 The SCG raised some concerns in relation to medical insurance issues, in particular the issue of Medicare coverage overseas. The SCG submitted that Medicare will only cover Australians outside Australia where Australia has a reciprocal health care arrangement with the particular country in which medical assistance is sought.<sup>20</sup>

7.37 Australia has reciprocal health care agreements with some countries, including Finland, Ireland, Italy, New Zealand, Norway, Sweden and the UK. The SCG submitted that these agreements 'generally exclude long-term members' of the Australian expatriate community.<sup>21</sup>

7.38 According to the SCG, whether an Australian in one of these countries will be covered by the relevant agreement concerned then usually turns upon whether the person is an Australian resident for the purposes of the *Health Insurance Act 1973* at the time he or she seeks medical assistance in the country with which Australia has the reciprocal agreement. The SCG submitted that generally the agreements cover people who are 'temporarily in the territory' of the other country but not ordinarily resident there.<sup>22</sup>

7.39 The SCG argued that this has the effect of creating confusion, for example, for those Australians overseas on working holiday visas for a 12-month period.<sup>23</sup>

7.40 Further:

---

19 See the American Association of Motor Vehicle Administrators, [http://www.aamva.org/drivers/mnu\\_drvIntlIssues.asp](http://www.aamva.org/drivers/mnu_drvIntlIssues.asp) (accessed 26 November 2004).

20 *Submission 665A*, Attachment, p. 12.

21 *Submission 665*, p. 136.

22 *Submission 665A*, Attachment, p. 12.

23 *ibid.*

Pure travel insurance in order to obtain medical coverage may be feasible for those who are away for up to 12 months, but it is not always available, advisable or even necessary for longer periods. Once employed overseas, many overseas Australians and their dependents are covered by the health systems in their country of residence through their social security or national insurance contributions, or in the US, for example, by employer health benefits.<sup>24</sup>

7.41 The SCG suggested that it would be advisable for DFAT to explain in brochures such as *Living and Working Overseas* that, where this is not the case, expatriates should obtain their own private insurance locally where travel insurance is not available or not appropriate. In addition, the SCG suggested that it would be helpful if a link could be provided to an Australian Government website which includes detailed information in plain English on eligibility under Australia's existing reciprocal health agreements, concentrating on the particular areas which cause many people confusion.<sup>25</sup>

7.42 A further issue relates to those expatriates who have not obtained private health insurance by the age of 30 in Australia. On repatriation, people who purchase hospital cover for the first time after the 1 July following their 31<sup>st</sup> birthday must pay a Lifetime Health Cover Loading, based on the person's Lifetime Health Cover Age. This loading equals 2 per cent for each year the person's Lifetime Health Cover Age is over 30.<sup>26</sup> One submission expressed concern in this regard as follows:

Naturally, we are worried about our own situation when the time comes for us to take up residency as far as membership of Medicare is concerned. In the meantime we are aware of changes to membership of private health insurance. We did try to get private insurance with HBA but were told that without Medicare cards it was not available to us. We did this before the system changed in such a way that if you were not enrolled in private health care before the age of 30 (we are in our 50's) you would have to pay increased premiums if and when you did join. So we are also concerned that we will be unable to get reasonably priced private health cover when we return.<sup>27</sup>

7.43 The Committee notes that there is no provision, under the Lifetime Health Cover scheme, for taking into account the contributions made by expatriates to foreign private health insurance whilst resident overseas. Thus for those returning after the age of 30, there is no way of avoiding the additional insurance premium that must be paid. This is a matter for consideration by the Department of Health and Ageing.

---

24 *ibid*, p. 13.

25 *ibid*.

26 See further: <http://www.health.gov.au>.

27 *Submission 463*, p. 1.

---

## Social security agreements

7.44 The Department of Family and Community Services (FaCS) informed the Committee that Australia currently has international social security agreements with 14 different countries, including Canada, Germany, Italy, New Zealand, Spain and the US. Negotiations for an agreement with Greece have been continuing for a number of years.

7.45 Australia previously had an agreement with the UK, however this was terminated from 1 March 2001 because of the UK's decision not to index the pensions it pays to UK pensioners living in Australia.<sup>28</sup> The SCG noted that the termination of the agreement with the UK has 'been of great concern to, and the subject of much lobbying by, expatriate groups representing the recipients of British pensions'.<sup>29</sup>

7.46 FaCS pointed out that an emerging priority with agreements which is of interest to the expatriate and international business community 'is the incorporation of provisions regulating compulsory employer/employee contributions to retirement income schemes (in Australia's case the Superannuation Guarantee)'.<sup>30</sup> These are included in existing agreements with the Netherlands, Portugal and the US and in new agreements with Belgium, Chile and Croatia. Wherever possible, such provisions will be included in all future negotiations for social security agreements.<sup>31</sup>

7.47 The SCG submitted that, in its view, the current momentum that has built up in establishing bilateral social security agreements should be maintained.<sup>32</sup>

## Working holiday arrangements

7.48 Australia currently has working holiday agreements with 15 countries, including Canada, Italy, Japan, Sweden and the UK. Negotiations are taking place to establish agreements with 11 other countries.<sup>33</sup>

7.49 The SCG argued that working holiday schemes are an important element of arrangements for Australian expatriates. Amongst other things, working holiday schemes provide the following advantages:

- young Australians, between the ages of 18 and 30, have the opportunity to stay for an extended period of time in the host country;

---

28 *Submission 566*, p. 9.

29 *Submission 665*, p. 135.

30 *Submission 566*, p. 9.

31 *ibid.*

32 *Submission 665*, p. 135.

33 *ibid.*, p. 133.

- working holiday visa holders are exposed to the culture, language, lifestyle and working environment of the host country; and
- the significance of the Australian expatriate phenomenon is enhanced to family and friends of the visa holder and the Australian public generally, particularly through those returning to Australia on the termination of their visas.<sup>34</sup>

7.50 In evidence at one of the Committee's hearings, Mr Bryan Havenhand from Global Exchange argued that the traditional working holiday program model could usefully be improved to promote travel by Australians to a greater number of countries:

Australia now has something like 17 working holiday-maker destinations and New Zealand I think has about 18, but some of those countries are exclusive to one or the other. I think with the two put together there are about 23 countries that accept either Australian and/or New Zealanders. Unfortunately the expansion in the Working Holiday Maker program, while it is good in its own right and does provide additional opportunities to work in other countries, still has not changed the traditional model much, in the sense that I estimate 25,000 or 30,000 Australians go overseas each year, the first time on a working holiday visa. But the bulk of them still go to London. Of those 20,000-odd you are still getting about 18,000 to 20,000 going to London; 5,000 or 6,000 going to Canada; up to about 1,500 to Japan. Then other countries might get one or two or three, literally.<sup>35</sup>

7.51 In particular, Mr Havenhand suggested that the following improvements could be made to some elements of the existing scheme:

There needs to be maybe some encouragement, some direction to get students to look at going to other countries as well that provide opportunities. I suppose at some level that meshes in with the developing program now about student exchange and trying to get students to go to a whole range of different countries and generally encouraging students to go as well. That is outside the parameters of this investigation, but those sorts of issues mesh together a bit.

I would not look at any more countries or any more deregulation but perhaps making the current system work better in terms of getting people to go to more of the different countries and getting some of those other countries to loosen up their employment rules.<sup>36</sup>

7.52 The SCG recommended that the Australian Government take steps to hasten the finalisation of those agreements currently under negotiation and mount a pro-

---

34 *ibid*, pp. 133-134.

35 *Committee Hansard*, 27 July 2004, p. 39.

36 *ibid*, p. 40.

---

active campaign to establish working holiday agreements with other countries where there is an existing or potentially significant Australian expatriate community.<sup>37</sup>

7.53 The Committee agrees that the working holiday scheme is a positive and beneficial scheme which should continue to be promoted and expanded. The Committee also considers that the agreements currently under negotiation should be finalised as soon as possible, with development of an extended agenda.

---

37 *Submission 665*, p. 134.



# **CHAPTER 8**

## **MEASURES TAKEN BY OTHER COUNTRIES REGARDING THEIR EXPATRIATES**

### **Introduction**

8.1 The Committee received evidence regarding measures taken by other countries in addressing the issues surrounding their expatriates. Earlier chapters of this report have already addressed how some other countries deal with arrangements for voting by expatriates in elections (Chapter 5), and census policy and counting the number of expatriates (Chapter 3).

8.2 This chapter looks further at some measures taken by other countries in dealing with expatriates, including:

- legislative representation of expatriates;
- representative bodies for expatriates, sponsored by government;
- identification cards;
- award schemes;
- schemes to encourage the return of expatriates; and
- other measures.

### **Legislative representation of expatriates**

8.3 The Committee received evidence of several countries that provide for some form of representation of expatriates in their national legislatures.

8.4 The upper house of the French Parliament, the Senat, includes 12 senators elected to represent the interests of expatriates. The senators are elected indirectly by French expatriates, who initially elect 150 members of the Senior Council of the French Abroad, who in turn elect the 12 senators.<sup>1</sup>

8.5 Portugal's Parliament includes four seats for representatives of Portuguese expatriates. Expatriates vote by mail for representatives in two 'emigration

---

1 Council of Europe Parliamentary Assembly, 'Links between Europeans living abroad and their countries of origin', Document 8339, 5 March 1999, p. 13; SCG, *Submission 665*, p. 141.

constituencies', 'Europe' and 'outside Europe'.<sup>2</sup> The legislature of Croatia also has seats reserved for expatriates' representatives.<sup>3</sup> Since 2001, Italy has allowed voters abroad to register and vote for 12 representatives in its lower house of Parliament and six in the upper house.<sup>4</sup>

8.6 Some submissions suggested that Australia too should have a special overseas electorate or dedicated seats for Australian expatriates.<sup>5</sup> Professor George Williams suggested that a special Senate seat could be created to represent overseas Australians.<sup>6</sup> However, one expatriate was not supportive of the idea of special representation:

I am aware that there have been suggestions in the past that expatriates should have 'reserved' seats in Parliament, but in my view this could lead to resentment on the part of the broader electorate that non-residents could perhaps have great influence on the outcome of an election (especially in a close result). This might only lead to the marginalisation of the views of expatriates when the aim is to bring them into the mainstream.<sup>7</sup>

8.7 The JSCEM report, *The 2001 Federal Election*, considered proposals made to that Committee regarding the creation of an overseas electorate to represent expatriate Australians.<sup>8</sup> The Committee notes that the JSCEM report raised a number of concerns with the proposal for a special overseas electorate, including constitutional issues.<sup>9</sup> The AEC's submission to that inquiry noted that legal opinion would need to be sought on whether the proposal would be achievable under the Constitution, and that a referendum may be necessary.<sup>10</sup> The Committee notes that constitutional change in Australia has been historically difficult to achieve.

---

2 Council of Europe Parliamentary Assembly, 'Links between Europeans living abroad and their countries of origin', Document 8339, 5 March 1999, p. 13.

3 *ibid.*

4 JSCEM report, p. 73.

5 Mr Simon Robinson, *Submission 79*, p. 2; Ms Sharon Readon, *Submission 196*, p. 2; Mr Andrew Wettern, *Submission 457*, p. 2; *Submission 466*, p. 5; AustCham Beijing, *Submission 637*, p. 4.

6 *Committee Hansard*, 27 July 2004, p. 52.

7 Dr Brian Simpson, *Submission 544*, p. 2.

8 JSCEM report, pp.73-74.

9 *ibid.*

10 AEC, *Submission 181* to the JSCEM inquiry into the 2001 Federal Election, p. 7.

---

## **Expatriates' representative bodies sponsored by government**

8.8 Expatriates all over the world get together to form groups in order to further particular aims, such as social interaction, exchange of information, increased economic opportunities and advocacy. Most of these groups receive no government support. The Committee received evidence of a number of countries where governments do play a role in sponsoring and/or funding bodies set up to represent the interests of expatriates.

### ***France***

8.9 French expatriates are represented by the Senior Council of the French Abroad, which was established by the French Government in 1948.<sup>11</sup> This organisation includes 150 members elected by electorally-registered French expatriates, and acts as an advisory body attached to the Ministry of Foreign Affairs. It is this Council which elects the 12 senators to the French Senat<sup>12</sup> who have responsibility for representing the interests of expatriates, as mentioned previously.

8.10 The SCG advised that the Council comprises a permanent office and a number of committees, and its members can be elected to some national boards. The Council also reports to the French Government on its research into problems that affect French expatriates.<sup>13</sup>

8.11 The SCG put up this type of representative body as a model that Australia may wish to consider for an Australian equivalent body, but without the provisions in the French body for election of expatriate-dedicated members to the French Senat.<sup>14</sup>

### ***Greece***

8.12 In Greece, the government-initiated World Council of Helenes Abroad is a coordinating body which looks after the interests of Greek expatriates. The body is independent of the Greek Government, but its activities are overseen by the General Secretariat for Greeks Abroad, a public body which is answerable to the Ministry of

---

11 Council of Europe Parliamentary Assembly, 'Links between Europeans living abroad and their countries of origin', Document 8339, 5 March 1999, p. 15.

12 *ibid*, p. 13.

13 *Submission 665*, Appendix M, p. 7.

14 *ibid*, pp. 7-8.

Foreign Affairs.<sup>15</sup> The Secretariat is well-staffed, with a number of divisions to address the issues of expatriates in different parts of the world.<sup>16</sup>

8.13 The principal aims of the Secretariat include maintenance of the cultural and ethnic identity of Greek expatriates, and ensuring the smooth reintegration of Greek expatriates who return to Greece.<sup>17</sup> The Secretariat plans and implements policy initiatives for its expatriates, and also:

- provides economic assistance to organisations of Greeks abroad;
- sponsors and publishes scientific research on expatriate issues; and
- provides information to returning Greek expatriates on issues such as pensions, insurance, and legal and other issues that may be of concern in the repatriation process.<sup>18</sup>

### *Switzerland*

8.14 Some submissions noted the approach taken in Switzerland.<sup>19</sup> There the Council of the Swiss Abroad (a private foundation, but largely funded by the Swiss Government) represents the interests of Swiss expatriates in dealings with Swiss authorities and parliament, and provides various services.<sup>20</sup> The Organisation of the Swiss Abroad publishes (six times a year) the 'Swiss Review – Magazine for the Swiss Abroad', which is sent to all Swiss expatriates registered with their consulates. This publication provides legal information and news from Switzerland, and provides a vehicle for the Swiss Government to include their expatriate citizens in the national mainstream.<sup>21</sup>

8.15 Ms Linda Reeb gave information regarding other activities of the Organisation for the Swiss Abroad:

---

15 Council of Europe Parliamentary Assembly, 'Links between Europeans living abroad and their countries of origin', Document 8339, 5 March 1999, pp. 16-17.

16 See organisation chart of the General Secretariat for Greeks Abroad at <http://www.ggae.gr/ggae/chart.en.asp> (accessed 18 October 2004).

17 Report of the High Level Committee on the Indian Diaspora, 19 December 2001, p. 319. Available at <http://www.indiandiaspora.nic.in/contents.htm>.

18 *ibid.*

19 Ms Linda Reeb, *Submission 545*, p. [7]; Ms Jo Ann Ray, *Submission 370*, p. 25.

20 Council of Europe Parliamentary Assembly, 'Links between Europeans living abroad and their countries of origin', Document 8339, 5 March 1999, p. 15.

21 See <http://www.revue.ch/en/content/> (accessed 15 September 2004).

---

The Organisation for Swiss Abroad provides direct advice and input to the parliament on matters pertaining to the 10% of the Swiss population who reside overseas.

They provide a central link to Swiss government departments, services, Consuls etc, internationally based social and professional clubs for Swiss expatriates.<sup>22</sup>

8.16 Ms Jo Ann Ray submitted that Australia could learn from the Swiss example, and emphasised the positive outcomes and connectivity that could result from adopting such an approach:

... the flow of information will improve connectivity with home, so that it becomes a win-win situation, both for the expatriates themselves, so that the sense of isolation is minimised, as well as for government agencies in trying to keep expatriates informed of their rights and obligations and their ability to make best use of the skills and offerings expatriates can provide.<sup>23</sup>

### ***India***

8.17 In India, a dedicated research facility, the Centre for the Study of the Indian Diaspora, has been established at the University of Hyderabad.<sup>24</sup> The Indian Government issues an identity card for 'Persons of Indian Origin'. This card is discussed further later in this chapter.

8.18 The Committee notes the initiative of the Indian Government's Ministry of External Affairs in appointing a 'High Level Committee on the Indian Diaspora', which reported in 2001 after examining the issues surrounding its own expatriates, and looking at measures taken by other countries. The Indian Committee found that there would be great benefit from the establishment of a 'single window contact mechanism' for dealing with expatriates and to meet their needs, rather than forcing expatriates to deal with the 'maze' of Indian bureaucracy.<sup>25</sup>

### ***Ireland***

8.19 Ireland, with a long history of emigration, has recognised the possible benefits of attracting skilled expatriates to return, and has attempted to develop a database of expatriates and their skills.<sup>26</sup> Ireland also recognises that many of its emigrants to

---

22 *Submission 545*, p. [8].

23 *Submission 370*, p. 25.

24 *Submission 665*, p. 148.

25 Report of the High Level Committee on the Indian Diaspora, 19 December 2001, p. 537. Available at <http://www.indiandiaspora.nic.in/contents.htm>

26 Hugo report, p. 61.

Britain are in need of welfare support, and the Irish Government provides grants to assist voluntary organisations who provide services to these expatriates.<sup>27</sup> In 2001 the Irish Government set up a 'Task Force on Policy regarding Emigrants' to develop a coherent long-term approach to Irish emigrants and their needs.<sup>28</sup> The report of the Task Force entitled *Ireland and the Irish Abroad* recommended:

The adoption of a strategic and integrated approach to meeting the needs of the Irish Abroad which includes policy objectives, an action plan and the necessary structures and resources to achieve these ends.<sup>29</sup>

8.20 Specific recommendations included the establishment of a new structure within the Department of Foreign Affairs, the "Agency for the Irish Abroad", to coordinate the provision of services for Irish expatriates. Also recommended was the allocation of increased funding to voluntary agencies and programs abroad which provide welfare services to Irish people who are vulnerable or excluded, and the establishment of an awards scheme to recognise Irish people abroad.<sup>30</sup> Information available suggests that none of the recommendations have been implemented,<sup>31</sup> with the Irish Government citing budgetary constraints.<sup>32</sup>

### ***Other countries***

8.21 The governments in several other countries are involved in some way with representative expatriate organisations. The following information outlines some of the arrangements for a sample of countries:

- In Italy, the government-initiated General Council of Italians Abroad, which is chaired by the Minister of Foreign Affairs, advises the Italian Government on issues affecting Italian expatriates, and prepares an annual report which is presented to Parliament.<sup>33</sup> The Italian Government also

---

27 See website of Ireland's Department of Foreign Affairs at <http://foreignaffairs.gov.ie/information/display.asp?ID=1238> (accessed 18 October 2004).

28 *ibid.*

29 *Ireland and the Irish Abroad*, Report of the Task Force on Policy regarding Emigrants to the Minister for Foreign Affairs, August 2002, p. 3.

30 *ibid.*, p. 4.

31 See <http://www.politics.ie/modules.php?name=News&file=article&sid=4021>.

32 Tye McMahon, "The Australian Diaspora", report prepared for Australian National Internship Program, April 2004, p. 31.

33 Report of the High Level Committee on the Indian Diaspora, 19 December 2001, p. 323. Available at <http://www.indiandiaspora.nic.in/contents.htm>. Information also available from Council of Europe Parliamentary Assembly, 'Links between Europeans living abroad and their countries of origin', Document 8339, 5 March 1999, p. 16.

encourages a network of 'Committees of Italians Abroad', which, amongst other things, promotes cultural and economic ties with Italy.<sup>34</sup>

- Japan's Ministry of Foreign Affairs includes a special cell to handle issues relating to Japanese expatriates.<sup>35</sup> The Japanese Government holds annual conferences in Tokyo in relation to Japanese people living abroad.<sup>36</sup>
- South Korea has a 'Committee of Korean Residents Abroad', which includes the Prime Minister and other ministers amongst its 15 members.<sup>37</sup> The 'Overseas Koreans Foundation', a statutory body, holds conferences for expatriates and has websites for expatriates. As well as promoting cultural linkages, the Korean body has a focus on involving its expatriates in the economic development of South Korea.<sup>38</sup>
- Poland acknowledges its expatriates in its Constitution, which obliges the Polish Government to help Poles living abroad to maintain their links with Poland's cultural heritage. The Ministry of Foreign Affairs includes a Department for Polonia (the Polish expatriate community) which disseminates information on developments within Poland and encourages maintenance of cultural and economic links. Both houses of the Polish Parliament have committees dedicated to addressing issues relating to Polish expatriates.<sup>39</sup>

8.22 The Committee notes that many of the countries which have formal arrangements for dealing with expatriates are countries that either have a long history of emigration, or are developing countries that have a strong interest in encouraging expatriates to contribute financially or professionally to expanding the economy of the home country.

### **Identification cards for expatriates**

8.23 The SCG drew the Committee's attention to the Indian Government strategy of issuing an identification card to 'Persons of Indian Origin'.<sup>40</sup> The Person of Indian

---

34 Report of the High Level Committee on the Indian Diaspora, 19 December 2001, p. 323. Available at <http://www.indiandiaspora.nic.in/contents.htm>.

35 *ibid*, p. 327.

36 *ibid*.

37 *ibid*, p. 329.

38 *ibid*.

39 *ibid*, p. 351.

40 *Submission 665*, p. 156.

Origin card (PIO card) is issued to expatriate Indians (and their children, spouses and others) who are holders of passports of another country. The card entitles the holder to some concessions, including the waiver of the requirement for a visa to enter India, parity with 'non-resident Indians' regarding transfer of property, and special counters at immigration entry points.<sup>41</sup> Individuals are required to register for the card, and pay a fee (currently AU\$570 for applicants in Australia).<sup>42</sup>

8.24 The Committee notes the suggestion of the SCG that consideration be given to the development of an identification card for Australian expatriates. However, as mentioned earlier in this report, the great majority of expatriate Australians do not currently register with DFAT's online register of Australians overseas. There may be a reluctance to register for any identification card, for a number of reasons. The Committee does not support this proposal.

### **Awards for expatriates**

8.25 Some countries have schemes for making special awards to their expatriates. In 2003, New Zealand instituted the annual 'World Class New Zealander Award' to recognise expatriate New Zealanders making an outstanding contribution to the economic development of the country.<sup>43</sup> The award is sponsored by government agency Industry New Zealand, and is in association with the 'World Class New Zealander Programme', which aims at developing business talent in New Zealand.<sup>44</sup>

8.26 Lebanon has a scheme for decorating distinguished persons of Lebanese origin who have settled in other countries.<sup>45</sup> The Philippines recognises expatriates who have made a contribution to the welfare of fellow expatriates by making awards of a small monetary gift, and free tickets to visit their home country.<sup>46</sup>

8.27 The SCG has advocated the establishment of an award for 'Australian Expatriate of the Year', arguing that:

The creation and announcement of a new "Expatriate Australian of the Year" award could be used as a launching pad for improved activities with regard to the Australian diaspora. It would be a symbolic gesture and the

---

41 Indian High Commission to Australia website [http://www.highcommissionofindiaaustralia.org/PIO\\_pg\\_.htm](http://www.highcommissionofindiaaustralia.org/PIO_pg_.htm) (accessed 12 October 2004).

42 *ibid.*

43 See <http://www.investnewzealand.govt.nz/section/3140/5294.aspx> (accessed 14 October 2004).

44 *ibid.*

45 Report of the High Level Committee on the Indian Diaspora, 19 December 2001, p. 385. Available at <http://www.indiandiaspora.nic.in/contents.htm>.

46 *ibid.*

---

event could mark the beginning of formal recognition of the Australian diaspora.<sup>47</sup>

8.28 Expatriate Australian Ms Ellen Browning supported the idea of an award, submitting that:

Expatriate Australian of the Year - a fantastic idea for expatriates as well as those remaining in Australia. It would show them that expats can really contribute to Australia, not detract from it.<sup>48</sup>

8.29 The Committee considers there would be some merit in recognising the achievement of Australian expatriates.

### **Schemes to encourage the return of expatriates**

8.30 Some submissions to the Committee gave information regarding schemes in other countries to encourage the return of expatriates to their home country, including schemes that offer financial incentives. The submission of AustCham Beijing advised that China has policies to encourage and fund skilled and educated expatriates to return home to establish businesses.<sup>49</sup> Some Chinese provinces offer a range of incentives to encourage return migration, including generous salary packages and expense paid trips.<sup>50</sup>

8.31 The Australian and New Zealand Business Association in Taiwan informed the Committee of financial incentives offered by some countries:

... a range of tax benefits, scholarships, are being offered by newly industrialized countries like Israel, China, Malaysia, Ireland etc. They may cover land concessions, investment subsidies and a range of incentives for starting new business. They are provided to entice expatriate talents back to the home country to generate new job opportunities.<sup>51</sup>

8.32 Professor Hugo questioned the merit of financial incentives as a way of encouraging the return of expatriates, suggesting that it would be preferable to create a favourable environment for returning:

---

47 SCG submission to the National Australia Day Committee, 24 September 2002, available at <http://www.southern-cross-group.org/expataustralian/intro.html>; see also SCG, *Submission 665A*, p. 1.

48 *Submission 277*, p. 4.

49 AustCham Beijing, *Submission 637*, p. [3].

50 Hugo report, p. 64.

51 *Submission 590*, p. 3.

... there may be ways of matching particular needs in the Australian economy with particular Australians overseas and then creating an environment which makes it favourable for them to come back.<sup>52</sup>

8.33 Professor Hugo referred to return migration policies in some European countries, telling the Committee of policies which:

... almost entirely are targeted at specific groups: people with particular skills which are seen to be in demand in the economy. They are almost talent search type programs rather than return migration types of programs. Certainly European countries are engaging in this process in a very substantial way.<sup>53</sup>

8.34 One submission gave the example of operating grants given to Canadian researchers, which had the effect of encouraging Canadians to develop their professional careers in Canada. Mr James Danckert, an Australian neuroscientist living in Canada, felt there was a large imbalance between the funding accorded to elite athletes in Australia, and funding for scientific research. He submitted that:

Were Australia to redress this kind of imbalance and start funding researchers at a level that would allow them to produce their best work and compete on the international stage I have no doubt I would return in an instant.<sup>54</sup>

8.35 The Committee notes that various schemes are already in place in Australia to encourage the return of academics, such as the Federation Fellowship scheme and the Queensland Government Smart Returns Fellowship Scheme. These and other approaches are discussed in Chapter 9, while the broader issue of general repatriation incentives was considered in Chapter 6.

## **Other measures**

### ***Registers of expatriates***

8.36 Some countries attempt to maintain registers of their citizens living abroad, for various reasons, including facilitating protection, especially during times of crisis. After criticism of its failure to efficiently identify how many of its nationals were killed or injured in the events of September 11 2001 in the US, the Japanese Government is setting up a new agency to keep track of its expatriates and keep them

---

52 *Committee Hansard*, 28 July 2004, p. 8.

53 *ibid*, p. 5.

54 *Submission 352*, p. 2.

---

informed during crises.<sup>55</sup> Ireland has attempted to develop a database of expatriates and their skills.<sup>56</sup>

8.37 As noted in Chapter 3, DFAT currently maintains an online register of Australians overseas for Australians living, and travelling, overseas. As also noted, it is estimated that only 14 per cent of Australians residing overseas choose to register, for various reasons. Privacy issues are a factor to consider in the development of any registers.<sup>57</sup>

### ***Measures to facilitate economic development***

8.38 For some countries, remittances by expatriates are an important source of development funds. Several countries are considering measures such as preferential banking advantages and high interest rates to capture more foreign exchange from their expatriates.<sup>58</sup>

8.39 Direct investment by expatriates in home country enterprises is important in countries such as China and Taiwan, where recent economic growth has been strongly influenced by investment from a large number of expatriates.<sup>59</sup>

8.40 From the submissions received, the Committee is aware that many of its expatriates maintain investments in Australia. The approaches of InvestAustralia, as considered in Chapter 9, may encourage more to do likewise.

---

55 Hugo report, p. 60.

56 *ibid*, p. 61.

57 *ibid*.

58 *ibid*.

59 *ibid*, p. 62.



# CHAPTER 9

## PROMOTING AUSTRALIA'S INTERESTS THROUGH ITS EXPATRIATES

### Introduction

9.1 As the Committee noted in Chapter 2, the majority of Australian expatriates remain well-disposed towards Australia and willing to promote its interests while abroad. As many submitters told the Committee, 'each and every Australian who ventures abroad is an ambassador for their country'.<sup>1</sup>

9.2 The most frequently mentioned manifestation of this is the promotion of Australia as a tourist destination to overseas friends, neighbours and colleagues. Other expatriates mentioned a range of activities which they undertake voluntarily to 'show the flag', for example, by speaking about Australia at local schools.

9.3 But as many expatriates themselves realise, there is much more that can be done. In this chapter, the Committee will consider ways of harnessing the expertise of its expatriates, both overseas and back in Australia, and at ways in which they might be encouraged to remain involved in and to contribute to Australian affairs while abroad. This chapter addresses:

- engaging with academic expatriates;
- engaging with expatriate professionals;
- engaging with expatriates at overseas posts;
- encouraging expatriates to invest in Australia; and
- expatriate networks.

### Engaging with academic expatriates

#### *Fellowship schemes*

9.4 As the Committee noted in Chapter 2, Australia, with a population of 20 million, cannot hope to support the depth of research across all fields that other larger developed countries can. We do 'punch above our weight' in niche areas, but cannot realistically ever hope to do so across the board.

9.5 It is almost a rite of passage for young Australian researchers in many disciplines to undertake post-doctoral experience abroad. And as the Committee has noted, many never return to Australia as their abilities are observed and the opportunities to further their careers abroad, in larger, more amply supported centres

---

1 See, for example, *Submission 459*, p. 2.

of excellence open up. The Committee applauds the creation of internationally competitive knowledge that this may bring about, as it reflects well on Australian education, and on the Australian work ethos. It also notes recent research into researcher attitudes, which shows the chief driver in the life of a researcher is the excitement of discovery; other important factors include the adequacy of research funding and infrastructure, support and a career path. Salary is not the primary driver.<sup>2</sup>

9.6 Bearing these things in mind, perhaps the major requirement for researchers is to have the opportunity to work with the brightest and best minds in their field. If those minds are currently abroad and can be attracted to Australia, or encouraged to return to Australia, they may attract others to follow and thus help develop the critical mass required for innovation to flourish here. Many overseas-based Australian researchers have indicated that they are well-disposed to returning to Australia, so the issue is, how to induce the key players amongst them to come back. One academic outlined the dilemma:

One of the dilemmas faced is that we want our best Postdoctoral Fellows to gain experience in overseas positions but also want them to come back. What would attract them back? What would they come back to – an uncertain career path, low incomes, fewer options? For a returning Postdoctoral Fellow the ability to enter the various Senior Fellowship schemes is now very limited. Many do not attempt it and, of those that do, many fail and become demoralised. What about bringing home the senior scientists? Federation Fellowships were aimed at doing this, but they are now being awarded to senior Australian scientists. Does this mean that top-flight overseas researchers do not even see a Federation Fellowship as sufficient incentive to return? What can be done?<sup>3</sup>

9.7 Various strategies have been adopted over recent years to entice skilled expatriates home. The Federation Fellowship scheme mentioned above was set up in 2001, under the Australian Government innovation action plan, *Backing Australia's Ability*. The aims of the program are to attract and retain outstanding researchers of international renown, to build world-class research capability in Australia, and to forge stronger links with the international research community. A key plank of the Federation Fellowships is the monetary support: the provision of an internationally competitive salary of some \$235,000 per year for five years; an additional 26 per cent from the Australian Research Council (ARC) for on-costs; and support that at least matches the salary by the host higher educational institution or research organisation. Up to 25 such Fellowships may be awarded annually.

---

2 Research Australia 2003, *Health and Medical Researcher Opinion Poll 2003*, p. 4, as quoted in A Pettigrew, 'Nurturing and Supporting our Greatest Asset', in FQ Wood, ed, *Beyond Brain Drain*, UNE, 2004, p. 113.

3 A Sinclair, 'Recruiting and Retaining Scientists: Issues, Dilemmas, Diaspora and Strategies', in FQ Wood, ed, *Beyond Brain Drain*, UNE, 2004, p. 145.

9.8 The selection criteria for Fellowships stresses the importance of the potential of the proposed research to contribute to designated national research priorities, namely an environmentally sustainable Australia, promoting and maintaining good health, frontier technologies for building and transforming Australian industries, and safeguarding Australia. While the Fellowships are open to resident Australians and foreign nationals as well as expatriate Australians, there has been an increase in the number of applications from this latter group (27 per cent of applicants in 2004) and an increased success rate.<sup>4</sup>

9.9 Other planks of *Backing Australia's Ability* included the establishment of the ARC and other centres of excellence in biotechnology, and information and communications technology, which serve to expand the potential job market for all skilled researchers; and competitive grants through ARC Discovery and Linkage programs.

9.10 Both the National Health and Medical Research Council (NHMRC) and the Commonwealth Scientific and Industrial Research Organisation (CSIRO) have also been active in providing support for skilled expatriates wishing to return to Australia. The NHMRC Burnet Award, introduced in 2001, provides five years' funding to medical researchers of high calibre and international standing. The Howard Florey Centenary Fellowships provide two-year support for the return to Australia of more junior postdoctoral researchers to continue in a biomedical research career. The CSIRO Postdoctoral Program, established in 2001, aims to support 25 fellowships per year, with an emphasis on new areas of science and collaborative proposals.<sup>5</sup>

9.11 The states have also become active in this area. For example, as part of its innovations initiative, the Victorian Government has put in place a \$10 million trust fund, the annual interest from which goes to a company, the Victorian Endowment for Science, Knowledge and Innovation (VESKI), which was established in 2003. One program launched by VESKI to attract outstanding expatriates back to Victoria has been the Victorian Innovation Fellowship, which offers up to \$100,000 p.a. for up to five years. VESKI executive director Dr Greg Trainor explained that VESKI's first Fellow was Professor Andrew Holmes, a world-renowned expert on polymer semi-conductors, from Cambridge University, whom they had been able to attract back to continue his research for five years with the assistance of a Federation Fellowship, the VESKI Fellowship and matching infrastructure support from Melbourne University and the CSIRO. An added bonus was that Professor Holmes was bringing with him a team including three expatriate Australians.<sup>6</sup>

---

4 <http://www.arc.gov.au>.

5 DEST, *Submission 664*, pp. 21-22.

6 *Committee Hansard*, 28 July 2004, p. 33.

9.12 Dr Trainor explained that the VESKI scheme was attracting applications from expatriates at a crucial stage of their careers, with the latest round of applications being primarily from applicants ranging in age from 26 to early 40s:

A number of these people are at the point in their careers where they are just starting families or their families are young, and one of the key drivers for coming home is the education system and getting their families back here to be educated. They are a fantastic opportunity for us at that age. I think the way we have put the applications out and the way we have pointed them is also responding to the group that is looking to come back.<sup>7</sup>

9.13 Queensland's approach has been slightly different. Through its Smart State Fellowship program, launched in 2003, it aims to retain or attract back promising early career researchers by providing \$150,000 in grant funding, matched by research organisations and industry co-sponsors, totalling \$300,000 over three years. Four fellowships were offered initially, to researchers working on the geomorphology of tropical rivers, molecular farming, obesity management and computer chip manufacture. The program recognises the need to help build critical masses of internationally recognised and competitive research and to develop researcher networks.

#### *Short-term return schemes*

9.14 Worthy as the above fellowships and other similar initiatives undoubtedly are, it has been recognised that there is an enormous wealth of expertise and knowledge residing in our expatriate researchers that, for personal or professional reasons, is unlikely to be attracted back to Australia on a long-term or permanent basis. This recognition has led to the development of other approaches to tap into the skills of our expatriate researchers, approaches that do not necessitate their permanent relocation.

9.15 The New South Wales (NSW) Expatriate Return Awards are a joint initiative of the University of Sydney and the NSW Department of Education and Training. The Awards aim to attract back researchers for periods of three to six months to enable the re-establishment of links, to provide expertise and to develop longer-term collaborative linkages, as well as involvement in a schools outreach program. Funding is provided to cover the researcher's temporary relocation to Sydney, and that of his or her immediate family, plus a living allowance. Two such awards have been offered in each of 2003 and 2004, with the initial evaluation of the program deeming it 'enormously successful'.<sup>8</sup> It has been observed that 'the success of the NSW Expatriate Return Awards Program suggests that the key to harnessing the resources of the

---

7 *Committee Hansard*, 28 July 2004, p. 35.

8 L Field and B Gaensler, 'The New South Wales Expatriate Return Awards Program and the Network of Expatriate Australian Researchers', in FQWood, ed, *Beyond Brain Drain*, UNE, 2004, p. 156.

---

Australian diaspora is to identify opportunities which emphasise mobility and flexibility.<sup>9</sup>

9.16 South Australia has taken another approach, with its 'Thinkers in Residence' program starting in 2003. Two or three world-class thinkers will be invited to Adelaide annually, for periods of residence from two to six months, during which time they will give master classes, public lectures, and undertake mentoring, writing and publishing activities. Universities, non-government agencies and companies have been invited to sponsor thinkers.

9.17 The Lowy report was supportive of short-term academic return fellowship schemes piloted at the state level, and recommended the establishment of a national scheme. Such a scheme could support expatriate researchers to return to Australia to undertake specific joint research projects with identified Australian partners, for two to three month periods.<sup>10</sup>

### *Networking of researchers*

9.18 With the widespread adoption of the Internet, collaborative options amongst researchers globally have blossomed. The universality of the Internet means that it is also a powerful tool for keeping Australians in touch with one another, and informed of fellowship possibilities, job opportunities and the like. The universities have led the way, with alumni associations most visibly active in attempting to maintain links with their researchers who go overseas and to track their careers. The Sydney University Graduates Association of North America (SUGUNA) noted, however, that its understanding of the *Privacy Act 1988* was that it prevented the universities from disseminating names proactively – alumni had to specifically opt in to its network.<sup>11</sup>

9.19 Sydney University proposed a networking scheme to bring together all Australian researchers living abroad and to provide opportunities for them to engage and reconnect with research groups in Australia. Professor Les Field told the Committee that federal funding for this Network of Expatriate Australian Researchers (NEAR) had been sought under the ARC Networks Scheme.<sup>12</sup> However, the Committee understands that such funding has not been forthcoming.

9.20 The Committee recognises the benefits to be gained from maintaining links with Australian expatriates in the academic field. In particular, Australia has a considerable investment in their education, and it would be preferable not to lose the benefits of this investment. The Committee acknowledges the opportunities for collaboration provided by fellowship schemes, and supports and encourages these schemes to attract back major researchers.

---

9    ibid.

10   Lowy report, p. 59.

11   SUGUNA, *Submission 193*, p. 1.

12   *Committee Hansard*, 27 July 2004, p. 58.

## **Engaging with expatriate professionals**

### *Attracting expatriate professionals*

9.21 As well as return fellowships for expatriate academics, the Lowy report was supportive of return fellowships for industry professionals. The World Class New Zealander Program was given as an example of a scheme of sponsored short visits by professionals, to attract international expertise and knowledge.<sup>13</sup> The Lowy report suggested the establishment of a scheme, funded by the private sector, to support the return of Australian expatriate business people. The return visits could be aimed at sharing best practices or creating opportunities for collaboration or business ventures.<sup>14</sup>

### *Networking of expatriate professionals*

9.22 The Committee received evidence that Australia may be missing out on opportunities for economic development, due to a lack of opportunities for professionally skilled entrepreneurs. Mr Tony Surtees told the Committee that many Australian expatriates, with entrepreneurial skills gained in a dynamic global market and seeking to return to Australia, found it difficult to tap into local capital markets. He observed that:

It is a global market for talent and it is a global market for capital. We need to have people who have these enterprise creation skills that have a proven track record of success internationally. We need to be able to harvest and build on those skills and capabilities and provide people with a return channel back to Australia so that while they are sitting overseas making decisions about what they might do there is some pathway for them.<sup>15</sup>

9.23 Mr Surtees suggested to the Committee that there was a need for an organisation aimed at facilitating information exchange, and identification of business opportunities, for skilled entrepreneurs (including expatriate Australians) who are seeking to create new business ventures in Australia. Mr Surtees told the Committee that government needs to provide an environment for the creation of such a networking organisation,<sup>16</sup> which would:

... ultimately have to be one that identifies those talents, identifies and codifies the capacities and the opportunities that people are willing to engage with, can identify where these people reside and how well qualified they may be to act in a certain capacity, and then has that database and information base available to those government and private enterprises that

---

13 Lowy report, p. 60.

14 *ibid.*, pp. 59-60.

15 *Committee Hansard*, 28 July 2004, p. 18.

16 *Committee Hansard*, 28 July 2004, p. 23.

---

may wish to engage them. That is a fairly straightforward proposition and not an expensive one.<sup>17</sup>

### **Engaging with expatriates at overseas posts**

9.24 As many submitters pointed out, attracting academic expatriates and expatriate professionals back to Australia is only one small part of the broader equation. Probably half of the longer-term expatriates will never return; many who do will only do so in retirement. It is therefore important to consider how to engage with Australian expatriates and how to involve them in promoting Australian interests while they are abroad.

9.25 A constant theme of submissions to the Committee was the relationship of the submitters with the relevant missions abroad. There was a general expectation, either voiced or implicit, that Australian diplomatic posts should be both more responsive to the needs of the expatriate community, and involve that community more in their public diplomacy activities.

9.26 The submission from DFAT stated that Australian missions are active in Australian expatriate communities and organisations, and encourage expatriates to play a role in advancing Australia's interests.<sup>18</sup> There is recognition that expatriate professionals are a valuable source of information on local business issues, for example, and overseas posts frequently use expatriates to convey and advocate key messages in pursuit of Australian objectives.<sup>19</sup>

9.27 The Committee is concerned, however, that evidence to the inquiry suggests that many missions are not sufficiently engaging with expatriate communities. The Lowy report acknowledged the positive activities undertaken by some diplomats, but noted that:

...the level and form of engagement that occurs between Australian missions and expatriates depends largely on the personalities of the senior diplomats in each post and in particular the head of mission.

9.28 When asked about whether overseas posts are encouraged to be inclusive of expatriates, a representative of DFAT responded as follows:

[Posts] are always encouraged to be as inclusive as they possibly can. What we find sometimes is that parts of the Australian community that are most closely involved with the embassy are those that choose to be. Other parts of the community do not want a lot to do with the government; they do not see a lot of benefit for themselves in that relationship. So the relationships, the dialogue and the interchange that develop are often based on a process of self-selection, if you like.

---

17 *Committee Hansard*, 28 July 2004, p. 22.

18 *Submission 646*, p. 9.

19 *ibid*, p. 10.

The heads of embassies and missions are always active in engaging and including as many people as possible, but some businesspeople – some expats – choose not to be involved or as involved in that exercise. But the objective is always to harness the skills of the community as much as possible and to be as inclusive as possible in doing that.<sup>20</sup>

9.29 While acknowledging that DFAT could always do better, its representative pointed out that DFAT consular services were there for all Australians, and that perhaps inevitably it was the short-term travellers, not the expatriates, who tended to dominate the available post time as they were the ones more likely to get into trouble through unfamiliarity with the ways of the country concerned. He reassured the Committee that DFAT 'would never consider the relationship with the Australian communities to be a low priority activity'.<sup>21</sup>

9.30 Both Advance and the various chambers of commerce described for the Committee how Australian missions and Australian expatriates could work together more fruitfully.

9.31 Advance was formed in the US in May 2002 by a group of emerging Australian professionals, with seed funding from Lachlan Murdoch, Anthony Pratt and Peter Lowy, and assisted by the Consul General in New York. Its aim was to bring together Australian expatriate professionals in the US to work together on specific projects to advance Australia's interests. This has included working closely with existing Australian agencies such as Austrade, the Wine Bureau, Invest Australia and DFAT.

9.32 The Chief Executive Officer of Advance, Ms Elena Douglas, gave an example of the kind of cooperation DFAT posts could obtain from organisations such as hers. She pointed out that expatriates from the Advance Network had assisted the New York consulate in organising a function to raise funds for the victims of the Bali bombing. More specifically, Advance networkers did the graphic designs free of charge; they were volunteers on the night; they did the video presentations; they provided video imagery; journalists produced segments.<sup>22</sup> She stressed that her 3,000 members found it satisfying to work together on projects which used their professional expertise and insight; they did not want to get together just for social events.<sup>23</sup>

9.33 Ms Douglas's message to DFAT was:

Do not assume you can only do what you can do with your two or three staff in your post. Reach out to the expatriates. You do need a facilitator to do that and that is what we see our role to be, where the consulate staff can

---

20 *Committee Hansard*, 29 July 2004, p. 17.

21 *ibid*, p. 21.

22 Ms Elena Douglas, *Committee Hansard*, 27 July 2004, p. 16.

23 *ibid*, p. 11.

---

come to us – or the Invest Australia staff or the Austrade staff – and say, 'Okay, we want to do this. Can you help? Who can you get to do this, and this and this? We need to get into these companies. Which contacts do you have in this and this and this company?'<sup>24</sup>

9.34 Similarly over the last 15 years, the 15 Australian New Zealand American Chambers of Commerce (ANZACC) in major cities in the US have worked closely with major Australian governmental entities to help achieve their specific economic and cultural goals. The presence of the chambers, especially in cities not having an Australian consulate, gives Australia a presence there that they would not otherwise have, a presence regarded as 'very significant' by SUGUNA.<sup>25</sup> The chambers also work closely with the US Government and major US city governments to enhance business relations, tourism, trade and investment and to promote understanding between the three countries. As the ANZACC national president, Mr Ron Delmenico, told the Committee:

By working as a conduit between the Australian government and the largest contingent of Australian citizens living abroad, we can help guide policy efforts towards those topics of greatest concern and those which will provide the greatest impact for the Australian government.<sup>26</sup>

9.35 The Committee recognises that many of our embassies and missions are doing their best to involve the local expatriate community, and applauds those ambassadors whose performance in this respect was singled out for praise by submitters.<sup>27</sup> However the Committee received evidence that this is not always the case. The Committee notes the suggestion of the Lowy report, that engagement with Australian expatriate communities should be made an explicit objective of DFAT, and should be included in post directives and ministerial directives to heads of mission.<sup>28</sup> As noted in the Lowy report:

Australia's expatriates should be seen as an integral element of our diplomatic efforts. A strategically located diaspora can help our international representatives to do their job: to gather information, build relationships and advocate Australia's interests.<sup>29</sup>

9.36 The Committee notes that the websites of Australian foreign missions offer a range of information for Australians travelling to those countries, but only a very limited range of information for resident Australians. A small number of mission websites include links to local expatriate business or cultural groups. The website of

---

24 *ibid*, p. 16.

25 *Submission 193*, p. 6.

26 Mr Ron Delmenico, *Committee Hansard*, 28 July 2004, p. 39.

27 See, for example, Ms Merran Lowenthal, *Submission 317*, p. 2.

28 Lowy report, p. 50.

29 *ibid*, p. 46.

the Australian High Commission in London, for example, includes under the heading 'Australians in the UK', links to the Australia-Britain Society, ANZACC, and the Australian Women's Club.<sup>30</sup> The majority of mission websites, however, do not include such links.

9.37 Given the evidence of the beneficial nature of collaborations between mission staff and expatriates as discussed above, it would seem that every opportunity should be taken to encourage these sorts of collaborations. As discussed in Chapter 4, there is scope for improving the websites of foreign missions to include a facility whereby expatriates could register online with their relevant mission, giving details of their skills and contacts. In return, missions could notify expatriates of upcoming events and opportunities. This local online registration would be distinct from the DFAT online registration scheme, which is focussed on the need to be able to contact Australians in the case of emergencies.

### **Encouraging expatriates to invest in Australia**

9.38 Many expatriates already invest in Australia. Others maintain properties in this country, either as residences for when they return or as investments. While the numbers of expatriates who do so already are unclear, it can reasonably be assumed that there is potential for more investment.

9.39 Australia's inward investment agency, Invest Australia, a collaborative venture with the states, territories and industry, has developed an investment marketing plan, *Partnerships for Investment*, to increase awareness of Australia as a competitive investment destination. Mr Garry Draffin, its Chief Executive Officer, described to the Committee his plans for an 'Australians Abroad network'. It aims:

...to tap into both the significant pride in and the significant loyalty to Australia that they have, to use them as ambassadors ... linking them into a network overseas to support what we are doing in trying to grow knowledge of Australia and build a network of people working to support Australia's inward investment efforts.<sup>31</sup>

9.40 While it might be expected that expatriate Australians would be aware of Australia's potential as an investment location, Mr Draffin indicated that this was not always the case. He also saw considerable merit in, and was already working with, existing agencies such as Austrade and networks such as Advance to promote the investment cause along with their existing financial interests. The Invest Australia website currently provides links to other Federal Government agencies, to partners in the states and territories, and to private sector providers, but not to any expatriate network at present. Mr Draffin cautioned:

---

30 See website for the Australian High Commission in London at <http://www.australia.org.uk/welcome/html/index.html> (accessed 26 November 2004).

31 *Committee Hansard*, 29 July 2004, p. 27.

---

I do think it is important that, whatever [website] model does come up, it allows people to be able to register and identify with a group of people with whom they have a common interest and a common value. Registering with an Australian dotcom web site that tried to be everything to all people I think would probably be a turn-off for what has to be a voluntary activity by these people overseas. So it has got to have those areas of specialisation.<sup>32</sup>

9.41 The Committee believes the Invest Australia approach in promoting Australia as an investment destination shows considerable merit. Its accountability and reporting mechanisms are commendable and its work is to be encouraged.

9.42 As well as attracting investment dollars, potential exists for a greater contribution from expatriates to non-profit organisations and philanthropic causes in Australia, such as to universities and arts organisations. The Lowy report comments that Australian institutions need to connect with potential givers overseas and maintain sustainable relationships with them. In particular, a recommendation is made in the Lowy report that in their pursuit of fund-raising opportunities offered by expatriates, non-profit organisations should combine their efforts to achieve benefits of scale.<sup>33</sup> The Committee supports this recommendation.

### **Expatriate networks**

9.43 There has been, in recent times, a growth in the number of websites which encourage individuals or organisations to register their details and, in exchange, find the details of potential business partners, researchers, employers or investors abroad. There is significant potential in these networks as a mechanism for engaging with the global community of Australians and in promoting Australia's interests overseas.

9.44 The Committee was made aware of the operations of a number of expatriate networks, including ExpatriateConnect, the Advance databases, and the Victorian Expatriates Network (VEN), as discussed below.

9.45 A new online service, ExpatriateConnect,<sup>34</sup> was launched on 9 June 2004. In the words of Dr Rowan Gilmore, Chief Executive Officer of the Australian Institute for Commercialisation, which manages the website:

[ExpatriateConnect] is a matching service that attempts to match small, needy Australian businesses with the skills and expertise of expatriates overseas, with the aim of providing mentoring and facilitating entry of small businesses into overseas markets in which those resident expatriates may have skills and expertise that could be of help.<sup>35</sup>

---

32 *ibid*, p. 27.

33 Lowy report, pp. 61-64.

34 <http://www.expatriateconnect.com>.

35 *Committee Hansard*, 27 July 2004, p. 1.

9.46 Ms Anne MacGregor of the SCG, which collaborated in the setting up of ExpatriateConnect, described how the SCG used it as a networking tool:

[ExpatriateConnect] links in expats so they can help Australian businesses and so forth while they are away, but if expats were involved in ExpatriateConnect and were building their own networks back in Australia in their own professional communities at the same time, their landing home should be softened because some of those links have been established while they were offshore.<sup>36</sup>

9.47 The US-based Advance organisation has formed industry-specific networks for entrepreneurs and investors, and for academic researchers. Noting that Australians retain a strong affection for their home states, Advance has launched 'state of origin' networks, commencing with the Advance Queensland network in June 2003. The intention is for state-based agencies and companies to have direct access to their expatriates, and to find a ready-made network of contacts, expertise and openings to further projects in the US.<sup>37</sup>

9.48 As mentioned in Chapter 4, the Victorian Government has launched a multi-purpose network, the Victorian Expat Network (VEN). VEN's overall aim is to connect Victoria with its offshore expatriates and to build goodwill and meaningful connections with them.<sup>38</sup>

9.49 More networks are proposed. Mr Garry Draffin, from Invest Australia, told the Committee of his organisation's proposal to develop an 'Australians Abroad Network' (AAN) which could operate off the existing Invest Australia website, with a password-protected sector to liaise with and link into networks overseas, and which would work closely with DFAT, Austrade and the state and territory governments. While the exact nature of the AAN has not been determined, Mr Draffin envisaged an opt-in network, promoted to expatriates and senior executives in Australia, so that they could be informed of the size and currency of Australia's economic abilities, and could network amongst themselves. He stressed that the intention was to complement what already existed.<sup>39</sup>

9.50 Inevitably, the question has been raised as to whether there is a role for the Federal Government in coordinating or linking these networks, or developing a 'network of networks'. The Victorian Government representatives were of the view that the Federal Government should be involved:

The Victorian government ... proposes that the Commonwealth government develop linkages with the Australian expatriate community by: coordinating web sites dedicated to expatriates, including the web sites of projects such

---

36 *Committee Hansard*, 4 August 2004, p. 5.

37 *Advance, Submission 676*, p. 24.

38 Ms Faye Burton, Victorian Department of Innovation, Industry and Regional Development, *Committee Hansard*, 28 July 2004, p. 27.

39 *Committee Hansard*, 29 July 2004, p. 24.

---

as VEN and VESKI and the initiatives of other state governments, as well as sites containing relevant Commonwealth government information for expatriates; informing expatriates of important Australian initiatives and events such as the Commonwealth Games, major tourism campaigns and migration initiatives; inviting contributions from expatriates to assist in promoting Australia's economic, social and cultural interests, including participation in activities such as ministerial visits, business consultations and cultural events; providing opportunities for interested expatriates to communicate with each other to develop common professional interests; and facilitating research into expatriate communities and their needs and of the benefits to Australia of returned expatriates.<sup>40</sup>

9.51 By their very presence overseas, most expatriates are effective ambassadors for Australia in their local communities. The formal and informal networks in which they are involved can only be positive for Australia, particularly in promoting Australia as a tourist, educational, business or investment destination.

9.52 The Committee strongly supports the view that expatriates can be an effective method of connecting domestic business with international sources of trade, investment and knowledge.<sup>41</sup> It is crucial that in an expanding global economy, it is recognised that expatriates can be a conduit for connections, investment and collaboration. Networks that facilitate this connectivity are to be encouraged, and the Committee acknowledges the achievements of the growing number of Australian expatriate networks. The Federal Government should facilitate access to these networks by including links to them from a central Federal Government expatriates web portal.

---

40 Ms Barbara Montjouris, Victorian Office of Multicultural Affairs, *Committee Hansard*, 28 July 2004, p. 28.

41 Lowy report, p. 25.



# CHAPTER 10

## THE COMMITTEE'S CONCLUSIONS

10.1 It is clear to the Committee that those who make up the large global community of expatriate Australians feel very strong links with their homeland, despite the physical distance that separates them from our shores. This is true for many, whether they are the so-called 'gold-collar workers' employed in highly-skilled professional jobs, or whether they are migrants who have returned to their country of origin after many decades of living in Australia.

10.2 Australia as a nation needs to reach out and embrace its expatriate population. Not only are they a part of our nation, but as many have stated, they are our ambassadors-at-large. The growth in the size of the Australian expatriate community reflects the increasingly mobile and globalised world in which we live. Expatriates can play a vital role in increasing Australia's foothold in world markets.

10.3 The Internet has made it much easier for expatriates to stay in touch with news and developments in Australia. Many, however, feel a sense of exclusion; that they are 'over there, out of mind'. This is especially so when expatriates attempt to deal with Australian government agencies and find it difficult to access information and services. The Federal Government has a clear role in providing services to these Australians.

10.4 It is important that Australia reaches out and engages with the expatriate community. The nation's leaders have a clear role in articulating the inclusion of expatriates in Australian society, and expressing the value of expatriates to Australia.

### **Communication and access to information**

10.5 A recurrent theme in evidence to the inquiry was the concern of expatriates over difficulties experienced accessing government information from a distance, and the sense that they were forgotten once they left Australia. Despite living in a world of high-tech communications and sophisticated Internet connections, Australian expatriates around the world regularly experience frustration when trying to contact Australian government agencies, or when attempting to find out information for themselves on websites provided by governments.

10.6 Governments have a responsibility to provide information, and to provide it in a way that is accessible. In the age of the Internet, and with over three-quarters of a million Australians living overseas, it is difficult to understand why the Australian Government does not have a central web portal to cater to the needs and concerns of such a large group. This is especially so, given the fact that unlike other groups, Australians living overseas do not have the option of phoning the toll-free numbers of agencies such as the Australian Tax Office, for example, or of visiting their nearest Centrelink Office.

10.7 As discussed in Chapter 4, the Federal Government has recognised the need to create and maintain dedicated web portals for specific groups of Australians. Under the Government's 'Customer Focussed Portals Framework', a number of web portals have already been developed which allow easy online access to government information and services for specific customer groups, in the one place, without users having to know which government agency to contact. Web portals have already been developed for specific groups of Australians including seniors, Indigenous Australians, and Australians living in regional areas.

10.8 Expatriates are a large customer group needing access to government information and services. Their needs and concerns cannot be ignored by government. The Committee is strongly of the view that expatriate Australians would greatly benefit from the existence of a web portal, and that a web portal for expatriates should be included in the Government's Customer Focussed Portals Framework.

10.9 A primary purpose for an expatriates web portal would be to provide information about government services targeted and focussed towards expatriates, and news of changes in legislation affecting expatriates. In addition, an expatriates web portal could include links to websites of expatriate groups and forums, and to professional groups and networks that foster interaction between expatriates and their counterparts in Australia.

### **Recommendation 1**

**10.10 The Committee recommends that the Australian Government establish a web portal devoted to the provision of information and services for expatriate Australians. A suggested name for the portal is [www.expats.gov.au](http://www.expats.gov.au). The Committee recommends that the Department of Foreign Affairs and Trade should be the lead agency in the development and administration of the expatriates web portal.**

### **Policy formulation and coordination**

10.11 The Committee agrees with suggestions by many who made submissions to the inquiry that there is a need for a body dedicated to developing and coordinating policy as it relates to Australian expatriates. Responsibility for the needs of expatriates lies across many departments and agencies. Although existing frameworks of government administration may have worked well enough to date, it is clear that expatriates must be recognised as a growing segment of the Australian population that cannot be ignored, and for whom governments must develop specific policy.

10.12 There is clearly a need to coordinate Commonwealth policy in some way. The sense of exclusion from Australian society felt by many Australians living overseas is heightened by the absence of any organised approach by government to their particular needs and requirements.

10.13 The Committee supports calls for the establishment within the Federal Government, of a policy coordination unit focussed on expatriate affairs. The many

---

issues of concern raised during the course of the inquiry and discussed in this report illustrate the need for such a coordinating body.

## **Recommendation 2**

**10.14 The Committee recommends the establishment of a policy unit within the Department of Foreign Affairs and Trade, to facilitate the coordination of policies relating to Australian expatriates. Responsibilities of the policy unit should include:**

- **formulation of a coordinated policy regarding expatriates;**
- **consultation with groups from the expatriate community, industry, academia and other stakeholders in the formulation of policy; and**
- **monitoring research developments and opportunities in relation to expatriates.**

10.15 In order to assist policy development relating to expatriates, the Committee recognises that it would be desirable to improve the statistical information collected about Australian expatriates. However, the Committee does not believe that it is necessary or desirable to attempt to include expatriate Australians in the Australian Census. Rather, the Committee strongly believes that the focus should be on improving the existing methods used by the ABS, DIMIA, and DFAT. The Committee considers that improving the information collected from incoming and outgoing passenger cards could prove particularly useful.

## **Recommendation 3**

**10.16 The Committee recommends that the Australian Bureau of Statistics, the Department of Immigration and Multicultural and Indigenous Affairs and the Department of Foreign Affairs and Trade should continue to improve the statistical information collected in relation to Australian expatriates, particularly through the use of incoming and outgoing passenger cards.**

## **Australian missions overseas**

10.17 The Committee received evidence of much useful collaboration between expatriate Australians and their local Australian missions in promoting Australia's interests overseas. However the Committee also notes evidence that there is potential for improved communication between mission staff and expatriates, and that the level of interaction and engagement between mission staff and expatriates is inconsistent across overseas posts.

10.18 The Committee supports calls for an increased priority to be given to engagement by mission staff with expatriates, and for such engagement to be made a part of official directives to heads of missions.

10.19 An important part of mission engagement occurs when mission staff and expatriates collaborate to advance Australia's interests, for example at consular functions promoting Australian business. To facilitate this collaboration, the Committee sees significant benefits in the development by missions of a database of local expatriates.

10.20 A database would allow expatriate Australians to register as having specialist skills in certain areas or professions, or as working or living in particular geographic regions. Missions would then have access to a useful database of skilled local Australian expatriates, available to be called on in relation to activities promoting Australia and Australian business. Missions could also use this register to provide notification of upcoming events and business opportunities. Such a database would be in addition to the DFAT online registration service, which is operated primarily as a way of contacting Australians in the case of emergency.

#### **Recommendation 4**

**10.21 The Committee recommends that the consular role for foreign missions be revised to contain a specific requirement that posts engage with the local expatriate community, in any and all ways possible appropriate to that location.**

#### **Recommendation 5**

**10.22 The Committee recommends that the websites of Australia's foreign missions should include an online registration facility to enable local expatriates to register their professional profiles. The profiles database will facilitate stronger engagement between missions and expatriates, and will provide a resource for missions in their work of promoting Australia's interests overseas. It would also be used to notify expatriates of news and upcoming events.**

### **Concerns regarding voting and citizenship rights**

#### ***Citizenship issues***

10.23 The Committee strongly believes that, in order to fully embrace our Australian expatriate community, the concept of Australian citizenship needs to be more inclusive. Australians living and working overseas are part of the Australian nation, and should be valued and recognised as such.

10.24 The Committee acknowledges the concerns of former Australian citizens who have had difficulties in resuming their Australian citizenship, especially those who lost their citizenship under the now repealed section 17 of the Citizenship Act, or who were forced to renounce their citizenship under section 18 of the Citizenship Act. The Committee supports the proposed changes to the Citizenship Act to rectify these situations, but considers that the proposed changes do not go far enough.

---

10.25 In particular, the Committee believes that all children of people who lost Australian citizenship under section 17, and children of people who renounced their citizenship under section 18, should be eligible for Australian citizenship by descent.

### **Recommendation 6**

**10.26 The Committee recommends that the *Australian Citizenship Act 1948* be amended to ensure that children of people who previously lost their citizenship under section 17 of the Citizenship Act are eligible to apply for Australian citizenship by descent.**

### **Recommendation 7**

**10.27 The Committee recommends that the *Australian Citizenship Act 1948* be amended to ensure that children of people who renounced their citizenship under section 18 of the Citizenship Act are eligible to apply for Australian citizenship by descent.**

10.28 Further, the Committee is concerned that Australians living overseas in countries with restrictions on dual citizenship may continue to be forced to renounce their Australian citizenship while section 18 remains in the Citizenship Act. For this reason, the Committee supports the suggestion that it is time to review section 18 of the Citizenship Act, particularly whether the provision may be disadvantageous to Australians living in countries with restrictions on dual citizenship.

### **Recommendation 8**

**10.29 The Committee recommends that the Department of Immigration and Multicultural and Indigenous Affairs conduct a review of section 18 of the *Australian Citizenship Act 1948*.**

10.30 The Committee acknowledges DIMIA's recent efforts to respond to certain concerns relating to the provisions of the Citizenship Act. As noted above, the Committee supports recent proposals to amend the Citizenship Act to address these some of these concerns. However, the Committee recognises that there may be other situations and circumstances relating to citizenship issues, in addition to those mentioned above, that need further detailed examination.

10.31 In particular, the Committee strongly believes that Australian citizenship law and policy needs to continue to evolve to reflect changing global conditions, and our increasingly mobile population. The Committee therefore considers that the Citizenship Act should be reviewed on an ongoing basis to ensure that the legislation continues to reflect notions of citizenship in modern Australian society. The Committee believes that DIMIA should establish an advisory committee to assist it in reviewing this legislation.

**Recommendation 9**

**10.32 The Committee recommends that the Department of Immigration and Multicultural and Indigenous Affairs establish an advisory committee to review the *Australian Citizenship Act 1948* on an ongoing basis to ensure that the legislation appropriately reflects notions of citizenship in the 21<sup>st</sup> century.**

10.33 The Committee considers that improvements could be made to the information made available to Australian expatriates in relation to citizenship. The Committee recognises DIMIA's efforts in relation to providing information relating to citizenship, but believes these efforts could be further improved where expatriates are concerned. In particular, the Committee considers that DIMIA should continually review its website with a view to providing detailed and accurate citizenship advice for Australian expatriates. The proposed web portal for expatriates should also contain information and links in relation to relevant citizenship issues, including links to the DIMIA website.

10.34 In addition, the Committee recommends that DFAT and DIMIA should work together to improve citizenship advice and services at overseas missions, and in particular to ensure that staff at DFAT's overseas posts receive appropriate training in relation to citizenship issues to enable them to handle queries about citizenship from expatriates.

10.35 Finally, the Committee considers that the Citizenship Information Phone Line administered by the DIMIA could provide better services to Australian expatriates. In particular, the Committee believes that an internationally accessible phone number should be provided for Australians living overseas.

**Recommendation 10**

**10.36 The Committee recommends that the Department of Immigration and Multicultural and Indigenous Affairs continually review its website with a view to providing more detailed, accurate and specific advice and information in relation to citizenship issues for Australian expatriates. The web portal for expatriates (proposed at Recommendation 1) should also contain information on citizenship issues, including links to the relevant parts of the website of the Department of Immigration and Multicultural and Indigenous Affairs.**

**Recommendation 11**

**10.37 The Committee recommends that the Department of Foreign Affairs and Trade and the Department of Immigration and Multicultural and Indigenous Affairs work together to improve citizenship advice and services at Australian overseas missions, and in particular that the Department of Immigration and Multicultural and Indigenous Affairs conduct regular training for staff in overseas missions to enable them to handle queries about citizenship from expatriates.**

---

## Recommendation 12

**10.38 The Committee recommends that the Department of Immigration and Multicultural and Indigenous Affairs provide an internationally accessible phone number for the Citizen Information Phone Line.**

### *Voting issues*

10.39 The Committee recognises the efforts of the AEC to improve education and awareness of enrolment and voting provisions among Australians overseas. The Committee considers that these efforts should be supported and continued.

10.40 However, the Committee believes that a greater number of expatriate Australians should be entitled to enrol, and subsequently to vote, in Australian elections. The Committee recognises that many Australians living overseas maintain their connections to Australia, and are able to keep informed in relation to Australian affairs. In particular, Internet technology means it is easier than ever for Australians overseas to keep informed of events and issues in Australia. For this reason, the Committee considers that the enrolment provisions for Australian citizens overseas should be relaxed to make it easier for expatriates to maintain their electoral enrolment (or 'EOE status'). At the same, the Committee supports the notion that such Australians should be required to demonstrate some form of continuing connection with Australia, such as having returned to Australia in recent years, along the lines of the approach taken by New Zealand.

10.41 The Committee therefore considers that Australian citizens moving or living overseas should be entitled to register as an 'Eligible Overseas Elector' if they:

- left Australia in the previous three years or have returned to Australia (for any length of time) in the past three years; and
- intend to resume residence in Australia within six years of their departure.

10.42 In the case of Australian citizens who have been living overseas for over six years, the Committee recommends that they should be entitled to renew their enrolment for up to three years at a time if they have returned to Australia (for any length of time) within the last three years.

10.43 At the same time, the Committee believes that voting should continue to be non-compulsory for overseas Australians.

## Recommendation 13

**10.44 The Committee recommends that the *Commonwealth Electoral Act 1918* should be amended as follows to assist expatriate Australians to maintain their electoral enrolment:**

- **Australian citizens moving or living overseas should be entitled to register as an 'Eligible Overseas Elector' if they left Australia in the previous three**

**years, or have returned to Australia (for any length of time) in the past three years; and they intend to resume residence in Australia within six years of their departure; and**

- **Australian citizens who have been living overseas for over six years should be entitled to renew their enrolment as an Eligible Overseas Elector if they have returned to Australia (for any length of time) within the last three years.**

#### **Recommendation 14**

**10.45 The Committee recommends that voting for overseas Australians should continue to be non-compulsory.**

#### **Engagement with expatriates**

10.46 The Committee recognises the benefits to be gained from maintaining links with Australian expatriates in the academic field and in the professional field, and supports and encourages schemes that encourage collaboration and networking.

10.47 The Committee is particularly encouraged by the growth in the number of expatriate networks that have been set up in recent times. These networks play an important role in linking up Australians overseas with each other, and with professional, business and social organisations in Australia. They are invaluable for facilitating networking and in providing useful information and support. The Committee supports these networks, and considers that the proposed expatriates web portal could provide a home for a listing of these networks, thus facilitating increased awareness.

#### **Recommendation 15**

**10.48 The Committee recommends that the web portal devoted to the provision of information and services for expatriate Australians (proposed at Recommendation 1) should include a page of links to expatriate network websites, to facilitate engagement and information exchange in the expatriate community. The web portal should include a page where expatriate networks can apply to have their websites linked.**

10.49 The Lowy report pointed out that there is potential for a greater contribution from expatriates to non-profit organisations and philanthropic causes in Australia, such as to universities and arts organisations. The Lowy report argued that Australian institutions needed to connect with potential givers overseas and maintain sustainable relationships with them. The Committee supports the recommendation of the Lowy report that non-profit organisations should pursue the fundraising opportunity offered by this potential 'pool of philanthropic income', and should combine their efforts to achieve benefits of scale.

**Recommendation 16**

**10.50 The Committee recommends that Australian non-profit organisations such as universities and arts organisations should pursue philanthropic contributions from expatriate Australians, and should combine their efforts to achieve benefits of scale.**

**Senator the Hon Nick Bolkus**

**Chair**



# **ADDITIONAL COMMENTS BY GOVERNMENT SENATORS**

## **Communication and access to information**

### **Recommendation 1**

1.1 Government senators support the recommendation in principle, but do not specify the name of a portal.

## **Policy formulation and coordination**

### **Recommendation 2**

1.2 Government senators support the more effective coordination of policies relating to Australian expatriates through the establishment of a small policy unit in the Department of Foreign Affairs and Trade.

### **Recommendation 3**

1.3 Government senators support recommendation 3.

## **Australian missions overseas**

### **Recommendation 4**

1.4 Government senators acknowledge and commend the extensive engagement carried out by Australian missions with expatriate Australians, illustrated in the submission of the Department of Foreign Affairs and Trade. Government senators support formalising that activity as recommended.

### **Recommendation 5**

1.5 Government senators support the development of a new online professional registration facility, but recommend that it is established separately from the existing on-line register of Australians overseas (ORAO).

## **Concerns regarding voting and citizenship rights**

### **Recommendation 6, 7 and 8**

1.6 Government senators support these matters being taken into consideration in any further review of the Australian Citizenship Act 1948.

### **Recommendation 8**

1.7 Government senators support this recommendation.

**Recommendation 9**

1.8 Government senators support this recommendation.

**Recommendation 10**

1.9 Government senators support the provision of useful citizenship advice and services to expatriate Australians and note that many of the previous recommendations in relation to online support will assist in this process.

**Recommendation 11**

1.10 Government senators do not support this recommendation. Government senators support an investigation of the potential level of use of such an initiative, and the cost that would be associated with it before any decision is made to implement such a telephone information line.

**Voting issues****Recommendation 12, 13 and 14**

1.11 Government senators support these recommendations

**Engagement with expatriates****Recommendation 15**

1.12 Government senators support this recommendation.

**Recommendation 16**

1.13 Government senators support this recommendation.

**Senator Marise Payne**  
**Liberal Party**  
**Deputy Chair**

**Senator Nigel Scullion**  
**Country Liberal Party**

# **APPENDIX 1**

## **ORGANISATIONS AND INDIVIDUALS THAT PROVIDED THE COMMITTEE WITH SUBMISSIONS**

- 01 Mr Larry Stillman
- 02 Mr Steve De Hinnin
- 03 Mr Sam Holmes
- 04 Mr Kerry Koutsikos
- 05 Mr Peter Klæbe
- 06 Mr Tom Waller
- 07 Mr Rikki Quay
- 08 Mr Patrick Curtis
- 09 Dr Louella Vaughan
- 10 Mr Geoffrey Bartouney
- 11 Mr John Bailye
- 12 Ms Heidi Rybak
- 13 Mr Cameron Bruce
- 14 Mr Frank Orban
- 15 Ms Sharon Gebhard
- 16 Dr Ruth Abbey
- 17 Ms Kim Stokham
- 18 Mr Allan Bones
- 19 Mr David Green
- 20 Mr Lee Baxter
- 21 Mr Robert Martin
- 22 Mr Lee Huynh
- 23 Mr Kenneth Scott Mackenzie
- 24 Mr Angus James Brooke
- 25 Mr Andrew Lancaster
- 26 Mr Christian Barkei
- 27 Mr Mark Mitchell
- 28 Mr Richard Whitfield
- 29 Ms Karen McIntosh
- 30 Dr David B Weaver

- 31 Ms Amanda Kendle
- 32 Dr John Nigel-Brownlee
- 33 Mr Guy Badgery
- 34 Mr Nicholas Rath
- 35 Mr Peter Blackwell Ph.D
- 36 Ms Alana Jelinek
- 37 Mr Ian Alexander
- 38 Ms Adrienne Swinderman
- 39 Ms Kathryn Bennetts
- 40 Dr A. Colin Jackson
- 41 Dr Peter Andry OAM
- 43 Mr Wayne Johnson
- 44 Mr John Ghirxi
- 45 Mr Alphonse Borg
- 46 Mr Dean Borg
- 47 Mr Mark Reardon
- 48 Mr Rodney Paul Parker
- 49 Mr Ir Adrian Yong Fui Kiew
- 50 Confidential
- 51 Mr Maxwell Hughes
- 52 Mr Timothy Neslen
- 53 Mr Michael Shapter
- 54 Mr Richard Borg
- 55 Ms Jean Kellie
- 56 Ms Anny Mary Cirillo
- 57 Mr Emanuel Cauchi
- 58 Executive Connexions Pty Ltd
- 59 Ms Cathleen Field
- 60 Mr Anthony Valetta
- 61 Mr David Mallia
- 62 Mr Joseph Xuereb
- 63 Mrs Vanessa Cusumano
- 64 Mr Gary R Bennett
- 65 Mr Phil Wilson
- 66 Mr James Ian Jamieson
- 67 Mr Joe Azzopardi
- 68 Mr Ivan Beslic

- 
- 69 Mr Brian De Bono  
70 Ms Jane Elizabeth Kristensen  
71 Mrs Christine Farrugia  
72 Ms Josephine Cassar  
73 Ms Helen Marelic  
74 Mr Sean Anthony Scicluna  
75 Ms Kylie Fowler  
76 Mrs Joanne Said  
77 Maltese Welfare (NSW) Inc  
78 Mr Jeff Bowman  
79 Mr Simon Robinson  
80 Ms Julie Zammit  
81 Ms Danielle Formosa  
82 Ms Natalie Meli  
83 Ms Rachael Seisun  
84 Mr Raymond Galea  
85 Ms Natalie Martin  
86 Ms Anna Said  
87 Mr Joseph & Mrs Rose Camilleri  
88 Mr Pierre Pirotta  
89 Mr Mario Schembri  
90 Mr Wayne Mizzi  
91 Ms Cheryl Jennifer Borg  
92 Ms Joanne Baldacchino  
93 Ms Susan Mary Diacono  
94 Macedonian Australian Friendship Society-Koala, Bitola  
95 Mr Anthony Lia  
96 Mr Alexander Yule  
97 Mr Marten Grima  
99 Mr Reno Zammit  
100 Ms Mary Axiaq  
101 Anna Lemchens  
102 Mr Martin & Mrs Michelle Knibbs  
103 Mr John Borg  
104 Mr Mark Lawrence Zammit  
106 Ms Rhonda Kelly  
107 Mr John Portelli

- 108 Mr Jonathan Louis Debon
- 109 Mr Patrick Camilleri
- 110 Ms Carol Cucciardi
- 111 Ms Tania Anna Sultana
- 112 Mrs Dianne Galea
- 113 Ms Heather S. Fenton
- 114 Mr Anthony k/a Stephen Galea
- 115 Ms Doreen Falzon
- 116 Mr Jeff Porter
- 117 Mr Brad Tyler-West
- 118 Mr Trim Newtob
- 119 Midatlantic Australian NZ Chamber
- 120 Mr David Cameron
- 121 Mr Robert J Latham
- 122 Ms Diane Galea
- 123 Mr George Agius
- 124 Mr Simon Camilleri
- 125 Mr Mark Camilleri
- 126 Mr Josman Delmar
- 127 Ms Elaine Angela Delmar
- 128 Ms Emma Oliver
- 129 Ms Arlene Calleja
- 130 Mr Angelo Buttigieg
- 131 Ms Ruth Micallef
- 132 Mr Simon Parsons
- 133 Ms Heidi Hibrant-Brookes
- 134 Mr John Borg
- 135 Dr Saviour Borg MD
- 136 Ms Maria Rosanna Bugeja
- 137 Ms Natalie Ann Portelli
- 138 Mrs Anna-Marie Suda
- 139 Mr Joseph Sciortino
- 140 Mr Bruce Hannah PhD
- 141 Ms Holly Lyons
- 142 Mr Jason Conway
- 143 Mr Tim Loreman
- 144 Mr Michael R O'Leary-Collins

---

145	Sister Dragica Judith Baljcos
146	Mr Terry Callus
147	Mr Damien Giurco
148	Ms Bianca Flynn
149	Ms Susan Moriarty
150	Ms Alexandra Micallef
151	Mr Andrew Townsend
152	Mr Neale Ferguson
153	Ms Adele Major
154	Mr Tom Levine
155	Mrs Elizabeth Caruana
156	Mr Michael Young
157	Ms Ann Rose Buhagiar
158	Ms Joan Grima
159	Professor Robert G Andry
160	Mr Laurie Lumsden
161	Ms Georgina Sultana
162	Mr Andrew Callus
163	Australia - New American Dream
164	Ms Leanne Grima
165	Ms Diane Sultana
166	Mr Charles Steven Muscat
167	Mr Louis Cooper
168	Mr Reno Muscat
169	Ms Karen Louise Buhagiar
170	Mr Peter Hammond
171	Mr Joseph Caruana
172	Mr Charles Borg
173	Mr Jason Terry Glaum
174	Name Withheld
175	Mr Brian Busuttil
176	Mr Paul Cottee
177	Mr Frank Buhagiar
178	Mr Edward Papps
179	Ms Gillian Bouras
180	Mrs Josephine Anne Mary Pisani
181	Ms Jenny McInerney

- 182 Confidential
- 183 Mrs Marion Portelli
- 184 Mr Anthony John Fava
- 185 Dr Zahir Khan
- 186 Mr Steven Edgar Chetcuti
- 187 Ms Suzan Bennet
- 187A Ms Suzan Bennet
- 188 Ms Simon John Mangion
- 189 Mr Dean Adam Mifsud
- 190 Mr Barry Petersen
- 191 Mr John Charles Muscut
- 192 Dr Graeme L Hudson D.M.D
- 193 Sydney University Graduates Union of North America (SUGUNA)
- 194 Mr David Lewis
- 195 Mr Charles Muscat
- 196 Ms Sharon Readon
- 197 Mr Andrew Ferguson
- 198 Mr Stephen Buhagiar
- 199 Mr Antoine Buhagiar
- 200 Ms Kylie Vidal
- 201 Mr Anthony Camilleri
- 202 Confidential
- 203 Ms Noeleen Segal
- 204 Mr Alastair Pow
- 205 Mr Patrick Mitchell
- 206 Mr Lawrence Buttigieg
- 207 Ms Nerella Campigotto
- 208 Mr Ray Thaller
- 209 Australian Women's Club
- 210 Mr John Azzopardi
- 211 Mr Robert Boehm
- 212 Mr Wayne Attard
- 213 Mr Carlo A Montagner
- 214 Maltese Community Council of Victoria Inc
- 215 Dr Samuel Bobb
- 216 Mr Barry Petersen
- 217 Mr Carlos Alberto Camenzuli

- 
- 218 Ms Rita M Schembri  
219 Dr Keith G. Sansom  
220 Mr Robert Marshall  
221 Mr David Hecht  
222 Mr David Attard  
223 Mrs Veronica Polidano nee Buhagiar  
224 Ms Daniela Michelle Calleja  
225 Australian Institute of Commercialisation (AIC)  
226 Mr Brett Howard Duthie  
227 Ms Maryke Farrugia  
228 Ms Jacqueline Magri  
229 Ms Mary Azzopardi  
230 Dr Bruce L. Rogers  
231 Mr George Saguna  
232 Ms Deborah Dean  
233 Ms Ruth E. Van Reken  
234 Ms Margaret Said  
235 Ms Sue Perry  
236 Ms Vivian Brincat  
237 Ms Emanuela Grech nee Brincat  
238 Ms Anne Hynes  
239 Mr Geoffrey R. Cullen  
240 Mr Steve Perret  
241 Dr Steven Allender & Professor Derek Colquhoun  
242 Mrs Carmen Rose Borg  
243 Mr Dermot Duncan  
244 Ms Lisa Stoneham  
245 Mr Edward Schuetz  
246 Ms Josephine Piscopo nee Calleja  
247 Mr George John Bugeja  
248 Mr Mark Anthony Attard  
249 Mr John Schembri  
250 Mr John Patrick Camilleri  
251 Mr Charles Zammit  
252 Mrs Michelle Grech  
253 Mr Gregory Stace  
254 Mr Steven Gauci

- 255 Ms Louise Anthea Dorothy Portelli
- 256 Mr John Grima
- 257 Mr Jason Galea
- 258 Mr Keith Connor
- 259 Mr Graham Ireland
- 260 Mr Paul O'Keeffe
- 261 Ms Rikki (Rosemarie) Quay
- 262 Ms Michelle Lina Anna Christine Bonett
- 263 Ms Lorraine Buttigieg
- 264 Ms Victoria Thieberger
- 265 Mr Michael Newth
- 266 Mr Warren Sammut
- 267 Mr Dave Mincey
- 268 Ms Mary Vassallo
- 269 Mr Roger Dyer
- 270 Ms Sharon Elizabeth Spiteri
- 271 Ms Elizabeth Squier
- 272 Mr R.B.D. Cook
- 273 Mr Paul Sheridan
- 274 Ms Diana J Pizaris
- 275 Mr Alexander Nash
- 276 Mr Denis Ryan
- 277 Ms Ellen Browning
- 278 Dr Jane Chrystal
- 279 Mr Andrew Jeffery
- 280 Mr Graham Cassar
- 281 Mr Graeme F. Hay
- 282 Mr Mark John Curmi
- 283 Ms Tania Rose Curmi
- 284 Mr Dominic Vincent Vella
- 285 Ms Zdenka Pobrica
- 286 Gilbert & Tobin Centre of Public Law
- 287 Mr Anton Tesija
- 288 Mrs Diane Borg
- 289 Miss Joanne Mary Buhagiar
- 290 Mr Raymond Mallon
- 291 Mr Rob McPherson

---

292	Mr Justin Hol
293	Ms Rachael Matthews
294	Ms Karen Farrugia
295	Mr Brian Dunkin
296	Ms Carmen Frances Carabott
297	Mr David George Carabott
298	Mr Michael Laird
299	Mr Geoffrey McLennan
300	Dr Jane Edwards
301	Dr Massimo-Federigo Buonaiuto
302	Ms Dina Broughton
303	Ms Sonia Spiteri Swain
304	Ms Annette Caruana
305	Mrs Joyce Schembri
306	Mr Peter Paul Camilleri
307	Ms Tanya Kasap
308	Mr Pankaj Shanker
309	Mr Brad Saracik
310	Ms Catherine Grim
311	Ms Lillian Marsh
312	Ms Ellen Sanders
313	Ms Anna Boltong
314	Ms Sammy Mallia
315	Mr Ray Sam Bezzina
316	Mr George Mallia
317	Ms Merran Loewenthal
318	Ms Monica Grech
319	Ms Jacqueline Mowbray
320	Ms Patricia Tan
321	Mr Altijana Hromadzic
322	Ms Catriona Watson
323	Mr Joseph Tabone
324	Mr Kevin G. Valletta
325	Dr David W. Ash
326	Mr Phillip Cheetham
327	Mr Simon Cassar
328	Mr Darren Azzopardi

- 329 Mr Anthony Borg
- 330 Mr Anthony Rendall
- 331 Ms Shirley Schembri
- 332 Mr Charlie Micallef
- 333 Mrs Marlene Xerri
- 334 Mr Paul Camilleri
- 335 Mr Brian Joseph Borg
- 336 Mr Lawrence Raymond Spiteri
- 337 Ms Atelier Sally Duncan
- 338 Mr David Guilfoyle
- 339 Mr Steve Shembri
- 340 Ms Lillian Schembri
- 341 Maltese Professional and Business Association
- 342 Maltese Community Council of NSW Inc
- 343 Mr Michael Ellenby
- 344 Mr Mark Gibbard
- 345 Mr Stjepan Marcelja
- 346 Mr Peter Lia
- 347 Mr Michael Lia
- 348 Mr Andres Irigoyen
- 349 Dr Ron Hackney
- 350 Ms Sally Goers Fox
- 351 Mr Mark Jones
- 352 Mr James Danckert
- 353 Ms Camille Hughes
- 354 Ms Vanessa Jane Passmore
- 355 Professor John D. Clemens
- 356 Mr Richard Middelmann
- 357 Ms Margaret Dawn Brown
- 358 Mr John Mario Michael Gauci
- 359 Ms Jennifer Hornstrand
- 360 Ms Julie Alberta Yuen
- 361 Mr John Paul Vella
- 362 Ms Margaret Lesjak
- 363 Ms Beth Kramer
- 364 Ms Frieda Dietrich
- 365 Mr Stjepan & Mrs Margita Matic

---

366 Ms Jennifer Jane Sansom  
367 Mr Raymond Viers  
368 Mr Anthony J Kenndy  
369 Australian Chamber of Commerce, Singapore  
370 Ms Jo Anne Ray  
371 Mr Andrew Tulloch  
372 Ms Elise Constable  
373 Name Withheld  
374 Mr Mario Attard  
375 Dr Anthony Linden  
376 Miss Veronica May Passmore  
377 Confidential  
378 Mr Jeremy Cavanagh  
379 Centre for the Study of Indian Diaspora  
380 Mr Gregory Paul Grech  
381 Mr Emanuel Frank Patrick Grech  
382 Mr Joseph Raymond Emanuel Grech  
383 Mr Louis Farrugia  
384 Mr Michael Legg  
385 Mr Peter Carabott  
386 Mrs Joanna Carabott  
387 Professor Beth Goodacre  
388 Mr Andrew Magri  
389 Ms Susan Buttigieg Nee Grima  
390 Mr Paul Mielczarski  
391 Catchfire Systems Inc  
392 Ms Doreen Merceiva  
393 Mr Frank Xerri  
394 Ms Bernadette Winfield-Gray  
395 Mr Tom Brown  
396 Ms Helen Mackley  
397 Ms Margo Huxley  
398 Mr Michael Williams  
399 Dr Jill Walker  
400 Mr Joseph Grima  
401 Mr Peter R. Dickson  
402 Mr Kwok Hung Lam

- 403 Ms Dianne Azzopardi
- 404 Ms Monica J. Grech
- 405 Ms Rita Carmen Cuschieri
- 406 Mr Matthew Passmore
- 407 Mr Stephen Lee
- 408 Mr Jonathan L. Ruddick
- 409 Ms Oreste Gauci
- 410 Ms Sonja Bar-Am
- 411 Mr Andrew Ambrosius
- 412 Mr Barton Guthrie
- 413 Ms Rebecca Oyomopito
- 414 Ms Olivia Lawe-Davies
- 415 Dr George Botha
- 416 Mr Alan Cameron
- 417 Ms Karina Ho
- 418 Mr Richard Marshall
- 419 Mr Mitchell Ellis
- 420 Mr Hamish Shaw
- 421 Mr Adrian Streater
- 422 Mr Lisa Duski
- 423 Mrs Rosemary Hunting
- 424 Ms Jillian Dacyk
- 425 Ms Janette McGrath
- 426 Ms Michelle Sian Campbell
- 427 Mr Dean Lowney
- 428 Mr Andrew Mills
- 429 Mr Ted Craig
- 430 Mr Nigel Murphy
- 431 Mr Craig Stockdale
- 432 Mr Greg Drury
- 433 Mr Thomas Joseph Cassar
- 434 Ms Alice Gay
- 435 Mr Rhys Weekly
- 436 Mr William A.C. Punch
- 437 Professor Thor May
- 438 Name Withheld
- 439 Mr Neville John Nankivell

- 
- 440 Dr Christopher Kirtley  
441 Australian New Zealand - American Chambers of Commerce  
442 Ms Lena Godsall Bottriell  
443 Mr Philip McKerracher  
444 Mr James Manuel Michael Stellini  
445 Mr Damian Smith  
446 Mr Ryan and Mrs Katrina Dudley  
447 Ms Maryann Meli  
448 Ms Mary F. Maher  
449 Mr Tony Porublev  
450 Ms Simone Ghali  
451 Mr Robert Valvo  
452 The Malta Cross Group  
453 Ms Sonia Sammut  
454 Mr Charles Summut  
455 Mr Michael Jack  
456 Ms Carolyn Gallop nee Bennett  
457 Mr Andrew Wettern  
457A Wettern Ventures  
457B Right Side Up TV  
458 American Citizens Abroad  
459 Name Withheld  
460 Ms Frances Colley  
461 Ms Janet Wheatcroft  
462 Mr David Early  
463 Name Withheld  
464 Mr Graham Smith  
465 Mr Craig Ross  
466 Name Withheld  
467 Dr Melissa Butcher  
468 The University of Sydney  
469 Mr John Reavell  
470 Ms Sharon Bayley  
471 Ms Elizabeth Norton  
472 Rev. Dr Raewynne J. Whiteley  
473 Ms Judith Anne Steele  
474 Ms Allison Bennett

- 475 Mr John McCullagh
- 476 Mr Denis De Rozario
- 477 Mr Jonathon Howard
- 478 Ms Faith Hunter
- 479 Mrs Claudine Berrisford
- 480 Mr Shannon Tobin
- 481 Mr Joseph Vella
- 482 Ms Lin McDevitt-Pugh
- 483 Australian Business in the Gulf Group
- 484 Ms Gaye Rochow
- 485 Dr Alan Offer
- 486 Australian Swiss Chamber of Commerce and Industry
- 487 Mr Darko Simunic
- 488 Mr Robert Archibald
- 489 Mr Arvo Nagel
- 490 Professor Sophie Elias-Varotsis
- 491 Mr Josh Mylne
- 492 Mr John Burn
- 493 Ms Marianne Schulze
- 494 Ms Mavis Champion
- 495 Mr Anthony James Alembakis
- 496 Ms Georgina Wright
- 497 Mr Andres Vecchiet
- 498 Mr David Gray
- 499 Mrs Ann Marie Galea
- 500 Ms Emma Cuttler
- 501 Mrs Filomena Muscat
- 502 Ms Vicki Therese O'Neill
- 503 Ms Sonja De Munck
- 504 Mr Julian Mincham
- 505 Mr David Bartolo
- 506 Mr Timothy D. Hind
- 507 Ms Michelle Shaw
- 508 Mr Colin Frearson
- 509 Ms Sybil Williams
- 510 Australian United States Services in Education
- 511 Mr Christopher Kelly

- 
- 512 Mr John Griffin  
513 Mr Joseph John Robert Schembri  
514 Mr Koen R.H. Boie  
514A Mr Koen R.H. Boie  
515 Mr Joseph De Bono  
516 Dr Elizabeth Beattie  
517 Ms Doris Schulze  
518 Ms Miriam Cauchi  
519 Ms Angie Canning  
520 Mr Julian Callachor  
521 Dr Mikelis Svilans  
522 Ms Julia M Johnson  
523 Mr Jasen Nickolas Aquilina  
524 Ms Bernadette Aquilina  
525 Mr Mario Aquilina  
526 Mr Martin Paul Aquilina  
527 Mr Leigh Johnston  
528 Mr Neil McLaurin  
529 Associate Professor Stephen Alomes  
530 Mr Paul Austin Stellini  
531 Mr Peter Thompson  
532 Mr Mark Wilson  
533 Ms Robyn Stephenson  
534 Mr Clive Pillinger  
535 Confidential  
536 Ms Jeanette Paterson  
537 Mrs Julia Kirsty Martin  
538 Mr Richard Baxter  
539 Ms Alison Burns  
540 Ms Debra Duncan  
541 Ms Christine Drum-Berkaya  
542 Mr Steven Cilia  
543 Ms Miriam Bartolo  
544 Dr Brian Simpson  
545 Ms Linda Reeb  
546 Mrs Carmen Baxter  
547 American Australian Association

- 547A American Australian Association
- 548 Mr Anthony Leslie Alexander
- 549 Ms Cheryl Woodall
- 551 Mr Thomas B. Spender
- 552 Confidential
- 553 Mr Stephen Thomas Blackney
- 554 Mr Quentin Waddell
- 555 Ms Heather J. Siemon
- 556 Ms Lucy Van Der Wall
- 557 Mr Mark Gough
- 558 Ms Sherrill France
- 559 Mr Andrew & Mrs Sue Prentice
- 560 Maltese Community Council of SA Inc
- 561 Mr Tim Mouton
- 562 Mr Russell Cotter
- 563 Victorian Endowment for Science Knowledge and Innovation
- 564 Ms Judy Morrison
- 565 Ms Jane MacDiarmid
- 566 Department of Family and Community Services
- 567 Mr Peter Harry
- 568 Ms Carmen Muscat
- 569 Ms Josephine Maria Cutajar
- 570 Department of Finance and Administration
- 571 Mr Brett Rueff
- 572 Mr Andrew Farran
- 573 Mr Michael Mercieca
- 574 Ms Josephine Mercieca
- 575 Mr Fraser Hickox
- 576 Ms Helen K Burnard
- 577 Ms Ruth M. Collins
- 578 Melbourne International Social Group
- 579 Mr Anthony Vella
- 580 Mr Tomas Nilsson
- 581 Mr Peter Doherty
- 582 Mr Peter Daw
- 583 Ms Fiona McDougall
- 584 Ms Leanne Evans

- 
- 585 Mr Colin Mathews  
586 Ms Maria Butler  
587 Ms Susan Pitchner-Kinnear  
588 Mr Dick Everton  
589 Ms Roseanne Bakker & Mr Chris Daniels  
590 Australian & New Zealand Business Association in Taiwan  
591 Mr Bryan Havenhand  
592 Ms Alena Lee  
593 Ms Helen K. Daley  
594 Mr Scott & Mrs Sasha Laurance  
595 Name Withheld  
596 Australian - Thai Chamber of Commerce  
597 Mr John Robert Markwell  
598 Mr Michael Blake  
599 Ms Margaret Joy Parker  
600 Ms Michelle Kelleher nee Hansen  
601 Ms Karen Dickie nee Hansen  
602 Ms Tania Holmes  
603 Mr Eugenie White  
604 Ms Karen Heins  
605 TNT Magazine  
606 Ms Catherine Weate  
607 Ms Denise Curnow and Dr Michael Dutch  
608 Mr Lachlan Williams  
609 ACE Resources  
610 Ms Lara Cummings  
611 Ms Fiona Lawrence  
612 Ms Isabel Attard  
613 Newcomers Network  
614 Ms Jodi Guyer  
615 Ms Pamela Willms  
616 Dr L. Anne Clyde  
617 Ms Diana Teplyj  
618 Mr James Lucas  
619 Mrs Pauline Galea nee Bonavia  
620 Mr Jon Brady  
621 Ms Annette Lynch

- 622 Mr Peter Medley
- 623 Mr Mark Pennay
- 624 Mr Geoffrey N Epstein
- 625 Miss Fritstania R.L Verstegen
- 626 Ms Allison Lavery
- 627 Mr Michael Garrett
- 628 Mr John Wayne Mallia
- 629 Australasian Taxation Services Pty Ltd
- 630 Ms Elizabeth Floyd
- 631 Mr Greg Fahy
- 632 Ms Corinne Ballantine
- 633 Ms Margaret M. Mercieca
- 634 Ms Virginia L. Hood
- 635 Ms Helen Pitt
- 636 Ms Anne Steen
- 637 China-Australia Chamber of Commerce (AustCham Beijing)
- 638 Mr Jonathan R.C. Arkins
- 639 Ms Robin McKinnon
- 640 Ms Jenny Gates
- 641 Invest Australia
- 642 Dr Lindsay Colquhoun
- 643 Mr Andrew & Mrs Katherine Lesh, Mr Gavin Lesh, Mr James Lesh
- 644 Connectivity
- 645 Australian Bureau of Statistics
- 646 Department of Foreign Affairs and Trade
- 647 Mr Johnny Buttigieg
- 648 Mr Peter Clark
- 649 Mr Keith Walker
- 650 Ms Catherine Rawson
- 651 Ms Lorraine Buckland
- 652 Ms Meredith Hooper
- 653 Premier of South Australia
- 654 Mr Alojz Custic
- 655 Mr David Kaneen and Ms Kathy Karageorgiou
- 656 Department of Immigration and Multicultural and Indigenous Affairs
- 657 Ms Marilyn Cassar
- 658 Mrs Catherine Cellai

- 
- 659 Dr Bill Wilson  
660 Mr Jonathan Emanuel Caruana  
661 Mr Steven and Mrs Maryrose Falzon  
662 Mr Charlie Falzon  
663 Mr Sam Houston  
664 Department of Education, Science and Training  
665 The Southern Cross Group  
665A The Southern Cross Group  
665B The Southern Cross Group  
665C The Southern Cross Group  
665D The Southern Cross Group  
666 Mr Charles Agius  
667 Mr Mark Dominic Micallef  
668 Mr Michael Lawrence  
669 Business Council of Australia  
670 Mrs Sharon Isabel Grech  
671 Ms Olga Kosic  
672 Victorian Government  
674 Mr A.G Colley OAM  
675 Mr David Morris  
676 Advance Australian Professionals in America (Advance)  
677 Mr David Campbell



# **APPENDIX 2**

## **WITNESSES WHO APPEARED BEFORE THE COMMITTEE**

**Sydney, Tuesday 27 July 2004**

**Australian Institute for Commercialisation**  
Dr Rowan Gilmore, CEO

**Advance–Australian Professionals in America**  
Ms Elena Douglas, CEO

**Dr Melissa Butcher**

**Maltese Welfare (NSW)**  
Mr Lawrence diMech, OAM

**Mr Bryan Havenhand**

**Gilbert & Tobin Centre of Public Law**  
Professor George Williams  
Mr Bryan Mercurio, Director, Electoral Law Project

**University of Sydney**  
Professor Leslie Field

**Melbourne, Wednesday 28 July 2004**

**Professor Graeme Hugo**

**Melbourne International Social Group**  
Ms Cynthia Helen Balogh, Deputy Chair  
Ms Adrienne Farrelly, Co-ordinator

**Connectivity**  
Mr Tony Surtees, Chairman of EntreNet  
John Allinson, Director Product Partners International

**Ms Elise Constable**

**Victorian Government**

Ms Faye Burton, Executive Director, Office of Science and Technology, Department Innovation, Industry and Regional Development

Mr John Werry, Acting VEN Manager, Office of Science and Technology, Department Innovation, Industry and Regional Development

Ms Barbara Mountjouris, Acting Director, Victorian Office of Multicultural Affairs, Department of Victorian Communities

**Victorian Endowment for Science Knowledge and Innovation (VESKI)**

Dr Greg Trainor, Executive Director

**Australian New Zealand-American Chambers of Commerce**

Mr Ronald Delmenico, National President

**Canberra, Thursday 29 July 2004**

**The Southern Cross Group**

Mr John MacGregor, Australian Co-ordinator

**Department of Foreign Affairs and Trade**

Mr Chris Freeman, Director, Images of Australia Branch

Mr Rod Smith, Assistant Secretary, Consular Branch

**Invest Australia**

Mr Garry Draffin, Chief Executive Officer

**Department of Immigration and Multicultural and Indigenous Affairs**

Mr Peter Vardos, First Assistant Secretary, Citizenship and Multicultural Affairs Division

Ms Mary-Anne Ellis, Assistant Secretary, Citizenship and Language Services Branch

Mr Peter Templeton, Assistant Secretary, Migration Branch

Mr Neil Mullenger, Director, Research and Statistics Section

**Canberra, Wednesday 4 August 2004**

**The Southern Cross Group**

Ms Anne MacGregor, Co-Founder *(By Video-link from London)*