



COMMONWEALTH OF AUSTRALIA

SENATE

Hansard

THURSDAY, 7 DECEMBER 2006

CORRECTIONS

This is a **PROOF ISSUE**. Suggested corrections for the Official Hansard and Bound Volumes should be lodged in writing with the Director, Chambers, Department of Parliamentary Services **as soon as possible but not later than:**

Thursday, 14 December 2006

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

BY AUTHORITY OF THE SENATE

PROOF

ues to uptake carbon. If he wants to address deforestation and if Australia wants to reduce its greenhouse gas emissions, then the first thing they should do is protect our forests.

The second thing they should do is admit that the Prime Minister has not fulfilled the election promise that he made in 2004. He has not protected 18,700 hectares in the Florentine and the Styx valleys, and he must do so if he is to be taken seriously. The next time he comes to Tasmania he had better have an explanation as to why Senator Minchin misled the Senate by going out there and saying, 'It's absolutely outrageous to suggest the Prime Minister has not honoured his promise.' He has not honoured his promise. Senator Abetz has admitted he has not honoured his promise; Senator Minchin has misled the Senate in this regard. As if it is not bad enough for biodiversity, with respect to carbon it is a disaster to see these old ancient forests being blown up in this way, using a substance which is a banned substance nationally. I would like to know what measures the Prime Minister has in place to prevent this substance being stolen from forest contractors and Forestry Tasmania and used by terrorists, since it is the weapon of choice of terrorists.

Question agreed to.

COMMITTEES

Legal and Constitutional References Committee

Report: Government Response

Senator VANSTONE (South Australia—Minister for Immigration and Multicultural Affairs) (3.50 pm)—I present the government's response to the report of the former Legal and Constitutional References Committee on its inquiry into Australian expatriates, and I seek leave to incorporate the document in *Hansard*.

Leave granted.

The document read as follows—

Senate Legal and Constitutional References Committee

They Still Call Australia Home: Inquiry into Australian Expatriates

Recommendation 1

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. 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.

Responsible agency: DFAT

Response: Not supported

The Government does not support the recommendation. The Department of Foreign Affairs and Trade (DFAT) website (www.dfat.gov.au), particularly the *smartraveller* consular information website (www.smartraveller.gov.au), currently provides a wide range of information targeted at Australians travelling, living and working overseas. In addition, the government directory websites (www.agd.com.au) and

(www.australia.gov.au) provide links to all federal agencies. The latter has a specific index for Australians overseas. An additional portal to be hosted by DFAT would be duplication and of marginal benefit over existing arrangements. DFAT would however welcome suggestions by expatriate groups as to what additional links or information could usefully be included in its existing websites to assist expatriates.

Recommendation 2

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

Responsible agency: DFAT

Response: Not supported

DFAT can and does provide an on-ground point of contact for all Australians overseas through its network of diplomatic posts. DFAT promotes the interests of Australian expatriates and of Australia generally in a range of fields including trade, investment and commerce. Australian missions work closely and actively with Australian expatriate communities, organisations and social groups to maintain positive and productive links to promote Australian goods and services as well as information and cultural activities. DFAT's core responsibility is to protect the interests of Australians internationally including by delivering a professional and wide-ranging consular service in support of Australians who may find themselves in distress overseas or requiring assistance. DFAT will continue to accord high priority to advancing and protecting the interests of Australian expatriates internationally, noting that these interests vary widely according to a range of geographic and demographic considerations.

Recommendation 3

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.

Responsible agencies: ABS, DIMA and DFAT

Response: Accepted

The Government accepts this recommendation, noting that the Australian Bureau of Statistics (ABS), DFAT and the Department of Immigration and Multicultural Affairs (DIMA) will continue to work closely together to improve the collection of statistical information.

The ABS is currently working with the DIMA to improve the statistical information collected through incoming and outgoing passenger cards and other DIMA data sources. These investigations should lead to improved information relating to Australian expatriates. For example, it would be possible

to conduct analyses of Australian residents returning to Australia who have been overseas for a period of 12 months or more.

The ABS will continue its involvement in work being coordinated by the Organisation for Economic Cooperation and Development (OECD), which may lead to improved information on Australians living in OECD countries.

Recommendation 4

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.

Responsible agency: DFAT

Response: Accepted

The Government accepts this recommendation noting that this is an existing requirement. Australian missions provide a broad range of services across, inter alia, consular, immigration, trade, cultural and business activities, as part of which there is a continuous process of engagement with local expatriate communities. In numerous posts a warden system is in place to ensure close and speedy contact with the expatriate community. An expansion of consular services, with an additional 15 officers to be posted to Australian missions over the next two years, as well as the appointment of 16 local support staff, will further improve the service delivered to Australians abroad.

Recommendation 5

The Committee recommends that the websites of Australia's foreign missions should include on-line registration facility to enable local expatriates to register their professional profiles. The profile 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.

Responsible agency: DFAT

Response: Not supported

DFAT has a responsibility for protecting the interests of Australians abroad and its foreign missions encourage all Australians residing overseas or travelling in high-risk areas to register with the local mission. Many missions have highly active links with their local expatriate community including news letters, social clubs, business groups and, in some instances, warden systems. The missions maintain contacts with local chapters of the Australian Chamber of Commerce, business councils, friendship associations, alumni and other expatriate organisations and their members. Each mission also maintains a website (in addition to the central DFAT website) which can provide information on local events and developments. The Government does not however support the recommendation for a register of professional profiles. Privacy considerations, potential for liability relating to claims by third parties and the need to ensure entries are maintained and up-to-date argue against the practicability of such a register.

Recommendation 6

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 Citi-

zenship Act are eligible to apply for Australian citizenship by descent.

Responsible agency: DIMA

Response: Accepted in Principle

The Australian Citizenship Bill 2005, which is currently before the Parliament, contains provision for the acquisition of citizenship for those over the age of 18 years, who were born overseas after an Australian citizen parent lost their citizenship under the now repealed section 17, subject to the applicant being of good character.

As these people did not at the time of their birth have an Australian citizen parent, they will have access to citizenship by conferral rather than descent. However, they will not be required to make the Pledge of Commitment and will become Australian citizens on approval of their application.

People *under* the age of 18 who were born overseas after an Australian citizen parent lost their citizenship under section 17 have been able to access Australian citizenship by conferral since October 2003.

Recommendation 7

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.

Responsible agency: DIMA

Response: Not supported

This matter was considered by the Legal and Constitutional Legislation Committee's (the Committee) inquiry into the provisions of the Australian Citizenship Bill 2005 (the bill) and the Australian Citizenship (Transitional and Consequential) Bill 2005. In its report of 27 February 2006 the Committee commented "the Committee considers that this matter has been fully considered by the Government over a number of years and that renunciation is properly regarded as a more significant and conscious relinquishing of the bonds of allegiance to Australia. As such, the Committee accepts the proposed provisions" (which do not make provision for these people).

Recommendation 8

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.

Responsible agency: DIMA

Response: Not supported

Section 18 of the Australian Citizenship Act 1948 was reviewed by the Australian Citizenship Council in 1999-2000. The Council commented "On average, about 112 people each year renounce Australian citizenship. The majority of people who renounce do so in order to retain another citizenship. The Council considers the existing provision appropriate and recommends that the provisions for the renunciation of Australian citizenship in section 18 of the Australian Citizenship Act 1948 be retained". The Government accepted the Council's recommendation.

The Government also notes that while the majority of Australian Citizens renounce their citizenship in order to retain another, there are some Australian citizens that renounce in order to avoid significant hardship or detriment (for example,

in order to obtain a security clearance to secure employment in the country of their other residence).

Recommendation 9

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 21st century.

Responsible agency: DIMA

Response: Not supported

The Government has recently completed a review of the Australian Citizenship Act 1948 to ensure that it appropriately reflects notions of citizenship in the 21st century. The results of the review are the Australian Citizenship Bill 2005 and the Australian Citizenship (Transitionals and Consequentials) Bill 2005 (the bills). The bills were introduced into the Parliament on 9 November 2005 and referred to the Senate Legal and Constitutional Legislation Committee (the Committee) for inquiry. The Committee advertised the inquiry in The Australian newspaper and also wrote to a number of interested individuals and organisations inviting submissions. Information about the inquiry was provided to the Consular Policy Branch of DFAT for distribution to Australia's overseas missions. The Committee received 67 submissions and held a number of public hearings.

Recommendation 10

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 relevant parts of the website of the Department of Immigration and Multicultural and Indigenous Affairs.

Responsible agency: DIMA

Response: Accepted

The Government accepts this recommendation noting that DIMA has redeveloped its citizenship website, www.citizenship.gov.au. The redeveloped site includes specific information for Australians overseas and informs clients where they can obtain further information.

The Government notes that DIMA regularly reviews and updates its citizenship website to provide accurate and timely information in relation to changes to citizenship law and policy, including for those living overseas.

Recommendation 11

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.

Responsible agencies: DFAT and DIMA

Response: Accepted

The Government accepts this recommendation. DIMA and DFAT will work on the continuous improvement of citizen-

ship advice and services available at Australia's overseas missions. The appointment of 15 additional consular staff to missions overseas in the next two years will improve the level of service delivered to Australians in a number of countries.

DIMA conducts training for all of its officers posted to overseas missions; as well as DFAT officers who undertake work on behalf of DIMA. Relevant staff will be given information and training on the changes to citizenship legislation passed by the Parliament.

Recommendation 12

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.

Responsible agency: DIMA

Response: Accepted in Principle

DIMA's strategy for responding to citizenship enquiries from clients overseas is to consolidate enquiries by geographic region. This ensures that information on local arrangements is provided. DIMA has expanded its global contact centre coverage to provide clients with access to information across multiple service channels such as phone, e-mail and fax. The implementation of enhanced overseas telephone handling arrangements in the United Kingdom (which will also be expanded to include Europe) and the Americas provide access for Australian expatriates to citizenship information through both telephone (where they can speak directly to an operator) and e-mail.

In addition, DIMA provides comprehensive information on citizenship through the dedicated website, www.citizenship.gov.au.

Clients in Australia can access citizenship information and services through the Citizenship Information Line, 131 880, from 0830 to 1630 (Mon-Fri).

Recommendation 13

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.

Responsible agency: AEC

Response: Not supported

The Commonwealth Electoral Act 1918 was amended in July 2004 to extend the period of time in which an elector may apply to become an eligible overseas elector after leaving Australia from two years to three years. This followed consideration of overseas voting issues by the Joint Standing

Committee on Electoral Matters in its report on the 2001 federal election. The Government considers that the provisions for enrolment and voting by Australians living overseas are appropriate and does not see the need to relax the requirements for these electors.

The Government also considers that Australians living overseas need to demonstrate a continued interest in returning to live in Australia to retain the entitlement to participate in its political affairs.

Recommendation 14

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

Responsible agency: AEC

Response: Accepted

The Government sees no need to change its current policy of exempting eligible overseas electors from the compulsory voting requirements of the Commonwealth Electoral Act 1918.

Recommendation 15

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.

Responsible agency: DFAT

Response: Not supported

See response to Recommendation 1.

Recommendation 16

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.

Responsible agencies: DCITA and DEST

Response: Accepted

The Australian Government supports the encouragement of non-profit organisations such as universities and arts organisations pursuing philanthropic contributions from expatriate Australians.

For arts organisations, philanthropic income is an important supplement to government funding and other income and they are under increasing pressure to build and maintain relationships with their supporters to encourage greater giving. A number of arts organisations receive significant support from expatriate Australians with whom they have a strong association.

The Register of Cultural Organisations administered by the Department of Communications, Information Technology and the Arts assists arts organisations to attract support by granting them Deductible Gift Recipient (DGR) status so that they can secure tax deductible donations in their own right in pursuit of their own cultural objectives. Similar arrangements apply to Australia's public art galleries, museums and libraries. For many arts organisations, there would be limited scope for combining efforts across the not-for-profit sector to achieve benefits of scale, since success in

securing philanthropic contributions is dependent on the individual organisation actively engaging supporters in its programs and activities.

The Australia Business Arts Foundation (AbaF), established by the Australian Government to promote private sector support for the arts, could play a role in helping the arts sector maximise opportunities for obtaining support from expatriate Australians. AbaF connects business, the arts, donors and foundations through three programs – Partnering, Volunteering and Giving. Through the Giving Program, AbaF works with donors and grantmakers, artists and cultural organisations to increase donations to Australia's cultural life.

The Government agrees that the Lowy report presents a compelling case for pursuing philanthropic support from expatriates, and that non-profit organisations such as universities and arts organisations should be encouraged to do so.

The Australian Government is supportive of Australian university philanthropy. Most universities have offices which seek to attract philanthropic income which may include approaches to expatriates. Universities also actively engage expatriates through the development of strong communication strategies and alumni networks, for example some universities run events for expatriate alumni around the world, advertising widely through a variety of media and interested alumni are able to register online.

In support of these activities the Australian Vice-Chancellors' Committee has developed a 'Code of Practice for Australian University Philanthropy'.

Philanthropy to Australian higher education institutions is an area of ongoing interest to the Business Industry Higher Education Collaboration Council. In 2005, the Council examined philanthropy in the Australian higher education sector including tax system incentives and disincentives to investment in higher education by the private sector; and issues that present barriers or disincentives to donations and endowments to higher education, particularly from private sector individuals and companies. Although the work to date has not focused specifically on expatriate alumni, one of the findings was that the sector should look at improving communication with possible benefactors including alumni.

Reports: Government Responses

Senator VANSTONE (South Australia—Minister for Immigration and Multicultural Affairs) (3.51 pm)—I present the government's response to the President's report of 22 June 2006 on government responses outstanding to parliamentary committee reports, and seek leave to incorporate the document in *Hansard*.

Leave granted.

The document read as follows—

GOVERNMENT RESPONSES TO PARLIAMENTARY COMMITTEE REPORTS

A CERTAIN MARITIME INCIDENT (Select)

A Certain Maritime Incident

The government response will be tabled in due course.