



COMMONWEALTH OF AUSTRALIA

# Official Committee Hansard

## SENATE

LEGAL AND CONSTITUTIONAL REFERENCES COMMITTEE

**Reference: Australian expatriates**

WEDNESDAY, 4 AUGUST 2004

CANBERRA

BY AUTHORITY OF THE SENATE



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**SENATE**  
**LEGAL AND CONSTITUTIONAL REFERENCES COMMITTEE**

**Wednesday, 4 August 2004**

**Members:** Senator Bolkus (*Chair*), Senator Payne (*Deputy Chair*), Senators Buckland, Greig, Kirk and Scullion

**Participating members:** Senators Abetz, Barnett, Bartlett, Mark Bishop, Brandis, Brown, Carr, Chapman, Crossin, Eggleston, Chris Evans, Faulkner, Ferguson, Ferris, Harradine, Harris, Humphries, Knowles, Lees, Lightfoot, Ludwig, Mackay, Mason, McGauran, Murphy, Nettle, Sherry, Stephens, Stott Despoja, Tchen, Tierney and Watson

**Senators in attendance:** Senators Bolkus, Payne and Scullion

**Terms of reference for the inquiry:**

To inquire into and report on:

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

**WITNESSES**

**MacGREGOR, Ms Anne Margaret, Co-founder, Southern Cross Group ..... 1**



**Committee met at 6.00 p.m.****MacGREGOR, Ms Anne Margaret, Co-Founder, Southern Cross Group**

**CHAIR**—Welcome. I formally open today's proceedings. This is the fourth hearing of the Senate Legal and Constitutional References Committee inquiry into Australian expatriates. The inquiry was referred to the committee by the Senate on 16 October 2003 and is being conducted within the terms of reference determined by the Senate. The committee has received over 670 submissions for this inquiry. The terms of reference for the committee to consider include: the extent of the diaspora; the costs, benefits and opportunities presented by the phenomenon; and measures taken by other comparable countries. Witnesses are reminded of the notes that they have received relating to parliamentary privilege and the protection of official witnesses. Witnesses are also reminded that the giving of false or misleading evidence to the committee may constitute a contempt of the Senate.

I welcome via videoconference from London Ms Anne MacGregor. You have lodged submission No. 665 and supplementary submissions with the committee. Do you wish to make any amendments or alterations to those submissions?

**Ms MacGregor**—Not at this time.

**CHAIR**—Would you like to start by making an opening statement.

**Ms MacGregor**—Thank you, Mr Chairman. Firstly, I would like to thank the Senate committee and the staff of the committee secretariat for making it possible for me to appear before you today via video link from London, as well as for the establishment of this inquiry. You have heard evidence from a number of witnesses in Sydney, Melbourne and Canberra over the last week, including evidence from the Southern Cross Group Australian coordinator, John MacGregor. It is not my intention to go over old ground in this opening statement. Instead, I will highlight briefly a few key points.

On the subject of citizenship law reform, the committee has before it the comments contained in the Southern Cross Group's primary submission of 27 February 2004, as well as our third supplementary submission, dated 23 July 2004. As we have said, we welcome warmly the changes announced by citizenship minister Gary Hardgrave on 7 July 2004. But those changes are limited in scope and we are concerned that certain specific groups in the Australian diaspora will continue to be excluded from Australian citizenship.

We were hoping that these hearings might provide some clarity on particular citizenship issues raised in our submission of 23 July. Consequently, I have studied the *Hansard* transcript of the evidence given by various DIMIA representatives to this committee on Thursday, 29 July 2004. Last Thursday's hearing has made clear that 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.

As Ms Ellis stated, the minister's announcement is specific to those children born to people who lost their Australian citizenship under section 17. Ms Ellis went on to tell this committee that the reason the children of section 18 victims were not included was because DIMIA had not

to date received any correspondence on this particular point. 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. We are disappointed that DIMIA missed identifying this group of children in its work to date. Statements that there had not been correspondence about this matter are well and good but are nevertheless insufficient justification for why the minister failed to include this group of children in his 7 July reforms.

We would hope that DIMIA's role should not just be one of being reactive to submissions and letters that it receives from people with particular problems. We should be able to rely on the department to work proactively at all times as well. It is a matter of simple commonsense that individuals who renounced their citizenship under section 18 will in many cases have parented children since that renunciation. 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. We note with approval, Senator Bolkus, your comment during last Thursday's hearing that this committee will most likely closely examine the bill which will amend the Citizenship Act before it is adopted by parliament. The Southern Cross Group sincerely hopes that the legislation can be properly scrutinised and any shortcomings remedied before it becomes law. The committee process will be an important part of the checks and balances in that journey.

The second aspect that I would like to underscore again at this time is the way in which the Australian diaspora is perceived within Australia. We have heard from repats of the difficulties in finding jobs and being valued on return. We have also heard that in some quarters of Australia an attitude still prevails that if you go overseas then you are somehow a traitor because you have abandoned Australia.

The committee has seen the book published by Global Exchange and the Southern Cross Group in 2003 containing the personal stories of many overseas Australians. Many stories which did not fit in the book are published on the SCG's web site. A key driver in our book project was our desire to raise the profile of the diaspora in Australia and to help people at home understand that expatriate Australians are Australians just like them, who face tough times and happy times, but who are nevertheless Aussies through and through. But more remains to be done on the issue of diaspora perception. We have stated on many occasions that all Australians, regardless of where they are, are part of the Australian nation. Australia must be increasingly viewed as the sum of all its people, not just those who happen to be within its territorial boundaries.

The Southern Cross Group has been calling since 2002 for a special new award entitled 'Expatriate Australian of the Year' or 'Overseas Australian of the Year', to sit alongside the Australian of the Year, Senior Australian of the Year and Young Australian of the Year awards. While we have succeeded in getting the National Australia Day Council to remove the discriminatory requirement that nominees for Australian of the Year be principally resident in Australia, no reasons have been given to date as to why it is not possible to establish a dedicated award to pay tribute to the important role our overseas Australians play. Perhaps the committee could go back to the National Australia Day Council on this point. We would also ask this committee to consider recommending the establishment of such an award and other measures

which we believe would go a long way towards establishing the value of the diaspora in the consciousness of the Australian community at home.

Finally, I briefly touch on a matter which I have discussed with Phillip Bailey of the committee secretariat by telephone recently but on which we have not yet made any submission to this inquiry. I refer to the subject of bilateral agreements between Australia and other countries on the reciprocal recognition of drivers licences. We will be making a detailed submission on this point in the next couple of weeks. The essence of the problem is that many countries, particularly continental countries in Europe, do not recognise Australian drivers licences. After becoming resident in the countries concerned, one is required by law to have a local licence. This often means sitting both a theory and practical driving test in a foreign language in order to be able to drive legally. It can be very stressful and quite expensive. I went through the process in Belgium some years ago, although I had a perfectly valid and unblemished Australian drivers licence. We touched on this matter in our submission to the inquiry into the national interest white paper in August 2003.

Last year consular officials at the Australian Embassy in Paris took the initiative on behalf of expat Australians in France and negotiated, fairly informally, an arrangement with the French authorities which allowed Australians to simply swap their Australian licence for a French licence. However, this arrangement is now under threat. The French authorities have realised that French citizens coming to Australia still have to sit a theory test and cannot simply swap over their licence wholesale. The consular officials in the Paris embassy have taken up contact with Austroads in Australia, the coordinating body at the federal level for all the states which regulate licensing around Australia, but so far no satisfactory outcome has been achieved. Austroads has taken no action. There is a real danger that the swapping arrangement for Australians in France will soon collapse.

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. That concludes my opening statement.

**CHAIR**—With respect to citizenship, I may have said this committee. I should have said the other manifestation of this committee, which is the Senate Legal and Constitutional Affairs Legislation Committee, which is chaired by Senator Payne. That normally gets legislation, and if there is citizenship legislation that would normally come to that committee. The bottom line I suppose is that, whether it is here or further down the track, the legislation will be closely looked at. You mentioned in respect of citizenship certain specific groups generally but then you only went on to talk about the Maltese—the section 18 problem.

**Ms MacGregor**—That is right. We have a catalogue of the outstanding groups of people that we have identified in our submission of 23 July. They are too numerous to go into. I think that the children of the section 18 victims are perhaps the largest group of affected people, but that

does not mean that we are not just as concerned about all the other groups we identified in our submission of 23 July.

**CHAIR**—That is a curious term—you called them ‘victims’.

**Ms MacGregor**—I suppose we have taken the word victim because, in a way, it is a passive way of describing what has happened to these people.

**CHAIR**—Sure. I also find it curious that you mention reciprocal agreements on drivers licences but for reciprocal social security agreements, one in particular which has been of major concern in the parliament over the years—the one with Greece—only gets a very brief mention in your submission. Why is that? Is it no longer an issue?

**Ms MacGregor**—I think that reciprocal social security agreements are certainly an issue. In our main submission to the inquiry we did list the existing agreements, and we have had a number of discussions with the relevant people over the last few years in the Department of Family and Community Services about the agreements that they are negotiating. In fact, I live in Belgium and it is some of the efforts that the Southern Cross Group put in in Belgium that have led to the new agreement with Belgium. We think they are very important. A very important issue here is the fact that Australia had to terminate its bilateral social security agreement with the United Kingdom in 2001 for the reason that the British government has failed to index the pensions paid to British citizens abroad under that agreement and it was costing Australia too much. That will be known to this committee. We have some 300,000 Australians in the UK and the lack of an agreement between Australia and the UK is going to have serious implications for the future.

**CHAIR**—My other question is a more general one. You talk about people repatriating with problems on resettlement. I think it is fair to say that discussions we have had amongst ourselves would indicate that we are aware of an enormous number of people who have resettled and have not had problems on resettlement. Do you get any sense of what proportion you are talking about who have problems? We get thousands back every year—are you talking about one per cent, or five per cent, or do we not know?

**Ms MacGregor**—We do not know. There is no way we can really measure it, because we certainly do not have contact with all those that go back. Probably we hear more from the people who are unhappy than the people who are happy.

**CHAIR**—That is like our job!

**Ms MacGregor**—What is becoming clear is that it is easier if resettlement is planned and the individuals going home are aware of the types of hurdles they may face: if they have a job lined up, if they have investigated all the financial implications and so forth. Resettlement is certainly easier if it is planned and if the transition is worked on before it happens.

**CHAIR**—But we are talking about people who are adults and have been competent enough to take themselves away to presumably work overseas. They know about settling overseas and they go back to an environment where they do have some sort of infrastructure, family or whatever. What should be the role of government in that resettlement program?

**Ms MacGregor**—I think that government can make a lot of information available and serve as a coordinating point for the different things that people need to go through when they are planning to move home. With regard to your thought that people know how to cope with a move overseas, I think that a lot of people are not really prepared for their initial move overseas; they work it all out as they go along. I certainly did that. I did not have any particular briefing or training. I pretty much went as an individual. I originally went to study in Germany, and I am still away 13 years later. Unless they are moving within a big multinational that has some type of repatriation program, most people do not know about moving overseas in the first place. They work it all out as they go along, and they become a lot older and wiser in the process.

There is an assumption by many people that, because they are going back to Australia, which is their home country where they have the family networks et cetera that you are talking about, it should not be hard since they are Australian and they know Australia. But often Australia has changed a lot while they have been away, and they have changed because of all the experiences they have been through. They are at a point in their career that they were not at when they left, and they do not have networks et cetera. The role of government, I think, has to be to coordinate information.

**CHAIR**—I do not know. I see the process of going overseas as one of growing up—experience, maturity and so on and all the development thing. I was very keen for my son to spend a bit of time in Indonesia, where there is no infrastructure to adjust into, as part of growing up. Coming back, I just cannot see what role a government would have. As I say, we are talking about adults. I know that, if I left a place, the red carpet would not be rolled out for me when I came back. Why should we work on the presumption that, if there is no red carpet, the government should weave one?

**Ms MacGregor**—I do not think that is the presumption we are making. If you take, for example, ExpatriateConnect, which the Southern Cross Group has been involved in in the last few months, that is a very positive thing. It 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.

**CHAIR**—Isn't that just pure commonsense? If you are in Belgium, London or Greece and you are going to go back to Australia, don't you think about what you are going to do and don't you make inquiries yourself?

**Ms MacGregor**—I think that any sensible person would do that. But sometimes people go home at short notice because of family illness and so forth, and then perhaps the transition cannot be so well planned because it is at such short notice.

**Senator SCULLION**—There seems to be a common thread in many submissions that people are pretty disappointed on their return, and that we seem to be losing the value of these Australians who appear to have an increased capacity. Certainly the submissions have put that to the committee. There has also been a suggestion that as a nation Australia has perhaps failed here. Some comparisons have been made with France and other places that have a dedicated unit—like an Australian diaspora council or something—within government that specifically

deals with the needs and takes responsibility. I understand there is such a unit in France and perhaps in Greece, but we do not have one here. What sort of role do you think a unit like that could play in the future in Australia? What sort of a relationship do you think the Southern Cross Group would have with that unit?

**Ms MacGregor**—I think we do need some type of coordinating body or central unit within government, and I think this is going to be something that evolves for Australia over the next five, 10 or 20 years. 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. But 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 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—we have had a lot to say on voting rights, as you would be aware.

As to any role the Southern Cross Group might play in any initial body that might be set up, I imagine we would like to have somebody on that council and to work with the council closely in anything that it does. There are many issues that we have not been able to cover on our web site, for example, because we have such limited volunteer resources. Certainly we receive feedback all the time from those in the diaspora, and so I think we have probably the best feel of any organisation as to what the grass roots concerns are. I think that the council in its genesis would probably have a life, and then it would probably develop into something else as we come to more conclusions about what is needed and as the diaspora concept, if you like, becomes more firmly embedded in the consciousness.

**Senator SCULLION**—You have touched on your web site, ExpatriateConnect, which I understand has been around for a few months. There seem to be a plethora of emerging communication mechanisms. We already have the DFAT web site, which provides a lot of material that they believe Australians abroad should deal with and the material is updated as it changes. I understand that Invest Australia is proposing an Australians abroad network, which I understand is to be held in abeyance until the determinations of this committee have been finalised. There seem to be quite a number of communication processes evolving. Do you think any of the communication processes at the moment, including your own, are effective in ensuring that we can measure the diaspora, that we can find out where people are, that we can get them to register and are made interesting enough for expats to tell us where they are so that we can communicate with them?

**Ms MacGregor**—I think that each of the existing mediums we have is playing an important role. If you add them together, then we are reaching a large number of Australians overseas. We have the Southern Cross Group web site, and we are also involved with expatriateconnect.com, which is a separate web site administered by the Australian Institute for Commercialisation. On the web site of the Southern Cross Group we try to have information that is of relevance to Australians overseas, such as information about the recent citizenship law reform announcement, voting rights and so forth. The ExpatriateConnect concept is separate and will really be Australia's national expatriate database, with a view to linking expats to help business and industry in Australia.

There are also a lot of very informal web sites where Australians overseas meet to chat online and exchange views; there are discussion forums and Yahoo group email lists. These all serve a purpose for the individuals who decide to get involved in them. In identifying who is out there, we do have statistical problems of knowing who we have where. The best statistics we have are the DFAT estimates of the numbers of Australians based in each country. They are based on the levels of consular activities—that is, passport renewals, registration of children born overseas and so forth. But they are only estimates. That number seems to come out at about the 860,000 mark, but, as Professor Hugo said, that could vary by perhaps 200,000 either up or down. But that is the best number we have at the present time.

A couple of years ago we looked at whether the census taken in other countries might shed some light on this subject. For example, in the United States census I think there is a question about where a person's country of origin is, and if you had the number that were born in Australia that might give you a fix on how many Australians are in the United States who were born in Australia. But that is a fairly patchwork game to play. I do not think it will ever be possible to work out exactly how many people are there, and it is also a very dynamic concept because people are coming and going all the time. That is why we generally tend to say that there are a million Australians overseas. There are many different informal discussion forums. There are some more formalised things now such as ExpatriateConnect and the Victorian Expatriate Network. I think they are important for the people involved but I do not think they are mutually exclusive; I think that all of them put together reach quite substantial numbers of people, but nowhere like the million that are overseas.

**Senator SCULLION**—We had what I thought was an interesting perspective from a witness in Melbourne. In response to a question he basically stated that if we are looking for a way in which we can best utilise their services, expatriates can probably best service Australia when they are overseas. Do you agree with that and, if so, how would we encourage expatriates to provide a service in that way?

**Ms MacGregor**—In many ways there are two aspects to the value of expatriates to Australia. Firstly, while they are abroad their networks are abroad and what they are doing abroad is important. If they decide to go home, one would hope that the experience they have collected would be practically applied in the Australian context. So I do not want to disregard the value and usefulness of the experience of Australians who go home.

**Senator SCULLION**—The premise this particular witness gave was that, in terms of value to Australia, expatriates can serve Australia best when they are overseas. If that is the case is there some way we can either encourage them to stay overseas or assist them in continuing to be expatriates on the basis of the submission that they best serve Australia's interests?

**Ms MacGregor**—We have to acknowledge that while people are overseas, on the whole, they are positively disposed to Australia. I think Professor Hugo's research has found that to be the case. From all the communications that the Southern Cross Group gets everyday via email and all the phone calls we receive, people feel very Australian. They want to positively profile Australia in their communities overseas. Many of them contribute every day in very small ways. It might be, for example, going along to your child's school in a country town in France once a year and telling them a little bit about Australian history or having a cake stall with Australian cakes and lamingtons or something in a church fete. All of these types of small things that people

are doing, way up to more professional contributions as well, are advancing, if you like, the Australian image overseas. So that is the way we are contributing.

We can contribute back to Australia through mechanisms such as ExpatriateConnect and other mechanisms. I think the key is to reach people, tell them that the mechanisms exist and say, 'This is a way for you to give back; do you want to be involved? It's free.' You cannot force people to contribute but on the whole if you find them and tell them about it, our finding at the moment is that everybody is really pleased that such a mechanism is being set up and everybody wants to get involved. A lot of people say to us, 'I'm over here, I've got this fantastic Australian education, I want to give something back; I don't know how I can do it. If someone would for example pay for me to go and lecture on my subject at my old university for two or three weeks a year and give a special class I would be really happy to do that—I would take some holidays to do it.' But these mechanisms do not exist and people do not know how to set them up.

We need to reach more people. It is hard. In promoting ExpatriateConnect Peter Doherty was over here in London for two days and we did BBC World Television, we did ABC radio; we did everything we could to get into the media, but we are only scratching the tip of the iceberg. These efforts have to be consistent, you have to work through existing Australian expat groups of whatever nature overseas to get the word out. We know because in everything we do, we are trying to reach expat Australians and our biggest challenge is continually trying to reach more people. It is just a matter of keeping on trying and then the network grows. More people sign up to the email list and so forth. You have to be consistent and gradually we will reach more people and they will become connected again. There will be some people who do not want to be; they feel too disconnected, they have been away for too long. That is fine; no-one is forcing them to get involved, but it is a matter of vigilance. That is how we have grown our Southern Cross Group mailing list from 200 people five years ago to 6,000 today.

**CHAIR**—We are going to lose our link in about 40 seconds, so I will say thank you for taking the time and effort to make yourself available this morning London time and for your submissions over recent months.

**Committee adjourned at 6.28 p.m.**