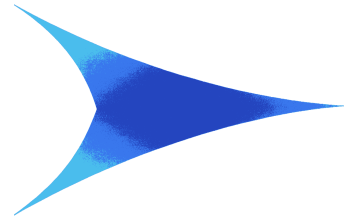


The Southern Cross Group

Promoting Mobility in the Global Community

www.southern-cross-group.org



Submission to the Australian Senate's
Foreign Affairs, Defence and Trade Committee

Inquiry into Australia's Foreign and Trade Policy Strategy

Advancing the National Interest

10 August 2003

The Southern Cross Group is an international non-profit advocacy and support organisation seeking to speak for and work with the million-odd members of the Australian diaspora world-wide.

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Introduction

This submission is in response to the invitation for input into the Inquiry by the Australian Senate's Foreign Affairs, Defence and Trade Committee (the Committee) into the DFAT White Paper of 12 February 2003 entitled *Advancing the National Interest* (the White Paper). The Southern Cross Group (SCG) welcomes the opportunity to participate in this inquiry.

The SCG is an international non-profit organisation which seeks to represent the interests of Australian expatriates and support them. The Group engages in advocacy work in an effort to diminish some of the legal, administrative and technical barriers Australians face when they live and work outside of their country of citizenship. Its entirely volunteer committee also invests considerable resources in answering e-mail queries and other calls for advice and assistance from Australians outside Australia on an ongoing basis.

In its activities, the SCG promotes the simplified global mobility of Australians as part of the international workforce which has resulted from globalisation and endeavours to promote understanding, research and recognition in Australia and abroad of the existence, extent, value and nature of the Australian diaspora.

Following the launch of this inquiry and the release of the Committee's Discussion Paper, the SCG placed information on its website about the inquiry¹ and sent an e-bulletin to its mailing list of overseas Australians and others on 28 March 2003, attached as **Annex 1**. The e-bulletin was sent directly to in excess of 2,500 Australians overseas, and was circulated further by many recipients to the mailing lists and newsletters of other expatriate groups.

The SCG e-bulletin included hyperlinks to the White Paper, in particular Chapter 11 entitled "Protecting Australians Abroad", and extracted in full point 8 on page 7 of the Committee's discussion paper headed "Australian diaspora". Individuals were given the opportunity to provide feedback to the Southern Cross Group or directly to the Committee. A number of responses were received directly by the Southern Cross Group from Australians overseas, and several individuals who heard about the Inquiry from the SCG responded directly to the Committee.

Defining the Australian Community to Include Overseas Australians

It is a central tenet of the SCG's philosophy and purpose that Australians overseas are a key part of the "Australian community" in today's world despite their geographical presence outside Australia's territorial boundaries. Indeed, the SCG views itself as an Australian community organisation active internationally.

In the Overview on page vii of the White Paper, it is stated at the outset that

¹ <http://www.southern-cross-group.org/inquiries/currentopportunities.html>

The purpose of Australian foreign and trade policy is to advance the national interest - the security and prosperity of *Australia and Australians*. (emphasis added)

The paragraph immediately thereafter refers to “the values of the Australian people”, and we are told that “we value the individual worth of every man and woman in our society. This is the essence of our egalitarian society and our identity as Australia and Australians”.

Such statements might appear on their face to include all Australian citizens, regardless of whether they are in Australia or overseas. But are expatriate Australians truly considered to be part of “Australian society” or the “Australian community”? Unfortunately, in the experience of many overseas Australians, invariably when government refers to “Australians”, “the Australian people”, “Australian society” and “the Australian community”, the policies it is espousing in connection with those statements and many of the laws on Australia’s statute books demonstrate that they do not include those Australians who are overseas. Too often, expatriate Australians are out of sight, and therefore out of mind. In the White Paper, Australians are said to “value tolerance, perseverance and mateship”.² Why not extend that mateship to Australians overseas?

Australia’s politicians currently have little incentive to take into account the views and concerns of expatriate Australians because they are fully aware that the vast majority of Australian citizens overseas do not have the right to vote in Australia’s federal elections. Expat voices are often ignored because those citizens quite simply have, for the most part, no direct way to influence the political survival of the individuals leading our country. The White Paper states that:

“Political freedom ...is also the freedom to appoint and dismiss a government freely and fairly through the ballot box.”³

But the SCG estimates that in the order of 500,000 Australian citizens aged 18 or over are prevented from exercising their franchise by exclusionary enrolment provisions in the *Commonwealth Electoral Act 1918*. In the November 2001 federal election, a mere 63,036 votes were issued by DFAT’s overseas posts. And yet statistics indicate that there may be as many as 645,000 Australian citizens resident overseas who are aged 18 years and above. Despite the fact that Australia’s Constitution states that its federal politicians must be elected by “the people”, the *Commonwealth Electoral Act 1918* does not presently embrace all Australian citizens as comprising “the people”.⁴

The Joint Standing Committee on Electoral Matters (JSCEM) June 2003 report into the conduct of the 2001 Federal Election fails to adequately address this gaping hole

² Page vii.

³ Page vii.

⁴ This issue is canvassed at length in the SCG’s submission to the JSCEM of 12 July 2002, available at <http://www.southern-cross-group.org/archives>.

in the fabric of Australian democracy. The JSCEM's inquiry and its June report has cemented the conviction in the minds of many expatriate Australian citizens that their continuing exclusion from the franchise in Australia is no longer simply an oversight on the part of those who have the power to remedy the situation. Many are now questioning the political motives behind the stance taken by the JSCEM on this issue.

The White Paper states that "the Government recognises the importance of community understanding of Australia's foreign and trade policy".⁵ But there is also a need to promote community understanding, and to educate decision-makers, so that one day it will simply be a given that anyone talking about the "Australian community" is also talking about Australia's expatriates. Australia is the sum of its people, and many of them are not in Australia.

Defining "the National Interest"

On page vii of the White Paper, in the first paragraph, the term "national interest" is loosely explained to mean "the security and prosperity of Australia and Australians".

While this is a definition of sorts, it brings us no closer to pinning down what is objectively in the national interest. By its very nature, defining the "national interest" must always be a subjective exercise. In essence, the White Paper simply advances what the Australian Government believes to be in Australia's national interest. As outlined above, not all Australian citizens have the right to elect that Government.

The "national interest" could perhaps be sensibly paraphrased as "what's good for Australia". The fundamental difficulty with the "national interest" concept is that what is good for Australia will never be universally agreed by all in the Australian community, even when all expatriate Australians have the right to vote with their compatriots at home. The debate surrounding Australia's participation in the recent Iraq conflict is the starkest contemporary example of this. A large percentage of Australians were against Australia's participation and the policy taken by the current Government and were prepared to take to the streets to make their views known. Those on opposite ends of the debate, if asked, would have passionately and vehemently declared themselves to be espousing and defending Australia's so-called "national interest".

Other submissions to the inquiry have touched on the difficulty of defining "the national interest". The SCG supports the view of Professor Colin Mackerras that there is a need for more detail on what precisely our national interest is, and what its priorities are. As he points out:

⁵ Foreword, page v.

There are quite a few cases where what might seem to be advancing “the security and prosperity of Australia and Australians” in some ways has the opposite effect.⁶

Cavan Hogue, Director of the National Thai Studies Centre at the Australian National University and retired Ambassador, rightly states:

There is no such thing as “the national interest”, only a number of different national interests which may change from time to time. Sometimes the pursuit of one interest may be to the detriment of others.⁷

White Paper Framed too Narrowly

There are a number of fleeting or oblique references to Australia’s expatriate community in the White Paper. But wider diaspora issues are not tackled. On a number of occasions, there is discussion of Australia’s “strong people-to-people links”:

The interaction of Australians, in all capacities, with the rest of the world has created a network of people-to-people links. More and more people around the world are familiar with aspects of Australia’s national life. Knowledge of our achievements, characteristics and concerns can assist, sometimes powerfully, the Government’s advocacy of Australia’s national interest to other governments and decision-makers.⁸

It is stated that Australia’s diverse multicultural community is a major element in its people-to-people links, that 23 per cent of Australians were born overseas and that almost 5 per cent of all Australians were born in Asia. Migrant Australians “and their children retain important links with their places of origin”.⁹

Overseas Australians also desire to retain links with their place of origin, Australia. The White Paper states:

Some 720 000 Australians live overseas, almost 4 per cent of our population. That expatriate community is an important representative of the Australian nation. For many people in other countries expatriates are their most immediate and direct contact with Australia. Some expatriate Australians have attained important positions as the heads of large multinational corporations and international organisations. Australian expatriates contribute strongly to the economies and societies of the countries where they live.

The Southern Cross Group welcomes this statement. It is pleasing to see a major policy document specifically address the importance and contribution of the expatriate community. But this statement in the White Paper should be the beginning of a broader discussion into diaspora issues, rather than the end of narrower debate which focuses solely on protecting Australians abroad.

⁶ Submission No 3 by Professor Colin Mackerras, 24 March 2003, page 2.

⁷ Submission No 1 by Cavan Hogue, March 2003, page 2.

⁸ Chapter One, page 13.

⁹ Chapter One, page 13.

How Many Australians Live Overseas?

The SCG queries the figure of 720,000 Australians overseas cited in the White Paper extracted above. This figure is at odds with other DFAT data. Figures provided to the SCG by DFAT in 2002 indicate that as at the end of 2001, there were estimated to be 858 866 Australians overseas.¹⁰ In the January 2003 version of its brochure *Hints for Australian Travellers*, at page 28, DFAT states that “at any one time there are some 800 000 Australians living overseas”.¹¹ The SCG calls on DFAT to explain the discrepancy between the figures published in the White Paper, on the DFAT website in the *Hints* brochure, and the figures previously provided to the Southern Cross Group.

Very little quantitative research has been carried out into the Australian diaspora, but more complete data is needed if Australia is to develop inclusive policies taking the diaspora into account in the future.

Professor Graeme Hugo of Adelaide University has raised the issue of who should be counted as being among Australia’s population:

The increased mobility of Australians raises some fundamental questions about who should be counted as being among Australia’s population. Traditionally, the national population has been counted as those resident on the night of the census and there is provision for those who are temporarily overseas to be identified and included by members of their household remaining in Australia. But what of the Australians living on a long term or permanent basis in other countries? These are estimated to be 830,000 by the Department of Foreign Affairs (*The Australian*, 11 August 2001) equivalent to 4.3 percent of the 2001 resident population. Moreover, they are a selective group in terms of age, education, income and skill. In a globalising world it may be that we should be seeking alternative conceptualisations of what constitutes the national population. In the past the bulk of a nation’s citizens and permanent residents were resident in that country. However, with globalisation an increasing proportion of nationals are likely to be absent for considerable periods, while there will be larger numbers of foreign nationals present in country. This raises the question as to whether national censuses should seek to include nationals who are living and working overseas on a permanent or long-term basis.¹²

The SCG believes that it is imperative for Australia to examine ways of including its expatriates in its important national “stock take”. As stated above, the SCG believes that Australia comprises all its citizens, regardless of their geographic location. Those overseas should not be treated as “invisible” by the Australian Government.

¹⁰ The data supplied to the Southern Cross Group by DFAT’s Consular Coordination Unit in early 2002 are available on the SCG’s website at http://www.southern-cross-group.org/statistics/stats_ausos.html. The SCG has not been provided with figures for the year 2002, but seriously questions whether over 100 000 expatriates returned to Australia in 2001-2002.

¹¹ <http://www.dfat.gov.au/consular/download/hints.pdf>.

¹² “Emigration of Skilled Australians: patterns, Trends and issues” by Graeme Hugo, Paper Presented to DIMIA Immigration and Population Issues Conference, Sydney, 7 May 2002. Professor Hugo’s current research into the emigration of skilled Australians is outline on the Southern Cross Group website, where a copy of his May 2002 paper can also be downloaded: <http://www.southern-cross-group.org/overseasvoting/giscareresults.html>.

Australians overseas are highly visible “ambassadors” of their country, and play a key role in advancing Australian interests around the world.

The United States has recently begun to recognise that in order for America’s public and private sector leaders to give appropriate support to US citizens and US companies overseas, it is important to have accurate information on how many Americans live abroad and where they live. The *Census of Americans Abroad Act* was introduced into the US Congress in early April 2003. On 1 April 2004, the United States will be conducting a test census of expatriate Americans in France, Kuwait and Mexico in preparation for enumerating Americans overseas in the 2010 census. Americans in those three countries will be able to file requests in writing or via Internet for the census count forms before that date, which will later be mailed to them. Copies of the forms will also be made available at US consular posts. American Citizens Abroad, a nonprofit, nonpartisan association dedicated to serving and defending the interests of individual US citizens living worldwide, has been key bringing about these developments,¹³ along with the Federation of American Women’s Clubs Overseas,¹⁴ and the Association of Americans Resident Overseas.¹⁵ While US Government employees and military and their immediate families residing overseas are included in the decennial census, an estimated three to six million private Americans living abroad are not. The non-profit organisations listed above will play an important role in reaching Americans abroad to encourage participation in the census.

The Head of the Australian Census Programme at the Australian Bureau of Statistics, Paul Williams, has said that the census is “all about providing high quality data to help decision makers in government, business and the community plan for a better future.”¹⁶ But as the number of Australians living abroad rises, it is no longer possible to achieve accurate data about the people of Australia when a constituency of almost one million people is being excluded.

Protecting Australians Abroad

Chapter 11 of the White Paper is entitled “Protecting Australians Abroad” and deals only with consular assistance and consular and passport services. While the focus of Chapter 11 is almost exclusively on Australian travellers, rather than those who are resident overseas, the SCG nevertheless makes the following comments on notarial services, passports and consular assistance.

¹³ <http://www.aca.ch>.

¹⁴ <http://www.fawco.org>.

¹⁵ <http://www.aaro.org>.

¹⁶ ABS Media Release of 19 November 2002, “Snapshot complete: full range of 2001 census data released”.

Notarial Services

On page 121 of the White Paper it is stated that “notarial functions are an important service provided to Australians wishing to engage in activities, such as trade or studies, overseas”. Many Australians overseas use these services - indeed they have no choice in many cases in order to satisfy documentary and evidentiary requirements for applications and various other official purposes. But the cost of these services is not alluded to in the White Paper.

In fact fees for notarial services are substantial. For example, the certification by an Australian consul of all the documentation required to submit an application for registration as a Migration Agent to the Australian Migration Agents Registration Authority can run to in the order of AUD 400. A number of Australians have complained to the Southern Cross Group that because the fees are often much higher than they expect, and the embassy concerned will only accept cash, sometimes they have had to go away to withdraw money and then come back to the mission to complete the process. While it is appreciated that the fees are required by Australian law, and that what is charged does not cover the total cost to DFAT of providing the service, for individual expatriates, the fees are high, especially when one considers that there is no alternative. In effect, Australian consuls usually have a monopoly on the provision of these services in the particular country they are situated in, unless there is also an Australian Justice of the Peace, for example, which is rare.

The fee for verifying and certifying a copy of a document or part of document is currently AUD 30. In addition, if the consular act includes the typing of the document or a part of the document, a person is charged an additional AUD 20 for each page, and an additional AUD 10 for each copy, other than the first typed copy of a page of the document. It is not hard to see that fees can mount rapidly when a number of documents need to be certified. But the process is extremely simple, and requires only a small stamp and signature on the copy which takes only a matter of seconds. While the consul’s signature is needed, locally engaged administrative staff carry out the rest of the operation. The cost can be substantial, and quite disproportionate to the effort and skill involved.

The Schedule of Passport and Consular Fees is displayed on notice boards in most Australian embassies, but does not appear to be on the DFAT website. It should be readily available online on the DFAT website in Australian dollars and all local embassy websites in the relevant currency, so that those who have no choice but to avail themselves of these services can be properly prepared for the costs.

Passport Applications

The SCG notes the comment on page 123 of the White Paper that the Government is considering the use of online applications to speed up the issue of passports. Virtually all other forms overseas Australians need to deal with the Australian

authorities are today available online, such as the forms for registering a child born abroad to an Australian as an Australian citizen by descent, or the form for the resumption of a lost Australian citizenship. At present, even overseas Australians who live in a city where there is an Australian mission have to physically go and pick up a passport application form, or alternatively contact the mission and wait for a form to be sent out to them. This can unnecessarily delay obtaining a new passport, especially where mail services are unreliable or the person concerned is in a remote area. The SCG urges the Government to make passport application forms available online as soon as possible.

Limited Validity Passports

One respondent to the SCG's e-bulletin on the present inquiry was unhappy that some passports are issued for 12 months only. Her children, born in Canada, are Australian citizens by descent. Their passports were only issued for 12 months, with the consequence that a second fee had to be paid and a new passport issued in Australia towards the end of the 12-month period. The woman concerned found it difficult to find someone in Australia who could certify for the purposes of the passport application that they had known the children for the requisite period, as the children had spent their entire lives overseas. She felt it was unfair that she should have had to pay the passport fee twice and that the first passports should have been issued for longer.

The SCG has been told by staff at an Australian mission overseas that normally passports of limited validity are only issued in certain circumstances, such as when a person has to travel urgently and has lost their passport, or important documentation does not accompany the application.

Normally child passports are issued for five years and adult passports for ten years. Few websites of Australian missions overseas carry detailed information on passport applications and renewals, and the SCG calls on the Government to make clearer information on passports of limited validity available on the DFAT website and on all the websites of all Australian missions overseas. In addition, before issuing a passport of limited validity, consular staff should take care to properly explain to the person concerned why they cannot issue a passport of longer validity, and give the applicant a chance to try and remedy their application if at all possible so that the expense of a new passport does not have to be incurred again within 12 months if not absolutely necessary.

General Consular Assistance and Support for Expatriates

Chapter 11 of the White Paper focuses to a large extent on consular assistance in a post September 11 world, as Australia lives with the threat of terrorist attacks worldwide. The Southern Cross Group does not wish to undervalue DFAT's service in this respect. But consular assistance is in many cases rendered to Australian

travellers in distress, and very often those who have failed to take out adequate travel insurance, rather than Australians resident overseas.

It would appear that DFAT itself views its online registration system as a service primarily for travellers, rather than for all Australians overseas, because it states on page 123 of the White Paper that “*Travellers* may also register with the department through an online registration system” (emphasis added). The SCG takes the view that all Australians overseas should use this service, and carries a permanent reminder on its home page with a link to the DFAT page carrying the sign up form. It has also sent out e-bulletins to its constituency reminding people to use the service. Government efforts to reach and inform Australians living overseas about the facility could however be vastly improved. Not all overseas Australians have access to the internet.

Interaction between Australian Missions and Expatriates

Much of what the SCG does is aimed at picking up where the Australian Government leaves off with regard to expatriates, or filling the gap where overseas Australians have simply been forgotten. Staffing levels in overseas missions have shrunk drastically over the last ten years, to the extent that many overseas Australians find it impossible to speak to a “real live” staff member on the telephone when they call their nearest embassy. Telephone trees and answering systems are deliberately in place to filter out callers who might take up staff time. Answering machines which simply tell callers to consult an out of date Embassy website are unhelpful and frustrating.

Often the SCG receives e-mails and telephone calls from people who have tried to obtain an answer on a citizenship query or other issue, such as driver’s licences, from their nearest mission but who have not been able to make personal contact with a staff member. Further, even where information is provided by missions, in the SCG’s experience, it can sometimes be incomplete, misleading in its brevity, or simply a straight out misstatement of the applicable law.¹⁷ Locally engaged staff often work only temporarily at Australia’s overseas missions, for unspectacular salaries which provide little incentive to do a job well or excel. Turnover in these positions is often high. Training for locally engaged staff is also in many cases far from adequate.

Apart from the services which Australian missions should be providing Australians with as part of their mandate and to the best of their abilities, on a more general level, there is little support by Australian missions for the more down-to-earth day-to-day issues that Australians living in a foreign country face - issues of culture shock, lack of support networks, and language barriers, for example. Apart from the largest

¹⁷ In London before 4 April 2002 a naturalised Australian was told that the since repealed Section 17 of the *Australian Citizenship Act 1948* would not operate to take his citizenship away because he was not born in Australia. The person given this information was a lawyer himself and knew immediately the information was false.

missions, such as London, New York and Washington DC, many missions do very little in the way of even trying to socially connect their local expatriate populations or put them in touch with local Australian expatriate groups. One expatriate in Japan told the SCG:

One of the biggest complaints I have is that we never get information on consular activities or events for local Australians. All we get is the odd e-mail on terrorist warnings, which we know about anyway from other sources. We get little or no information from the embassy. I take that to mean that we are only considered when the outcome will affect our relatives in Australia. My cat has a better status in Japan - at least the local vet contacts us on a regular basis. If there are embassy events, then could someone please let us know? In the three and a half years I have lived in Tokyo you could be forgiven for thinking that there have been no embassy functions. I find this hard to believe. Perhaps I'm not important enough to be on the embassy's guest list. Or maybe there's just no government funding for local activities.

DFAT Literature of Limited Value

DFAT's website contains a number of publications which are available to Australians overseas.¹⁸ However, this material is in general superficial, misleading in its brevity, and inadequate.

In late 2002 DFAT asked the Southern Cross Group to provide it with feedback on a first version of its brochure entitled *Living and Working Overseas: Essential Information for the Australian Expatriate*.¹⁹ The SCG consulted with those on its mailing list and provided all feedback in consolidated form to DFAT's consular unit on 1 December 2002. This feedback is attached again here as **Annex 2**.

The current version of the brochure - the only one which appears to be specifically tailored for those living overseas as opposed to travelling - still has some major shortcomings, many of which were pointed out by expatriates in their feedback already provided through the SCG to DFAT in late 2002.

Driver's Licences

Under the heading "International driver's licence" in the brochure *Living and Working Overseas* (which has no page numbers), Australians overseas are advised to "check with local auto associations regarding rules and regulations" on whether a local driver's licence is needed. It is submitted that best the source of relevant information in overseas countries is not an auto association, but rather the local authority in that country which is responsible for issuing domestic driver's licences, usually a local authority of some sort, such as a town hall or vehicle registration or transportation department.

¹⁸ http://www.dfat.gov.au/travel/travel_publications.html.

¹⁹ The current version of the brochure is available at http://www.dfat.gov.au/travel/travel_publications.html.

Generally, an Australian who becomes resident (as opposed to being a tourist) in an overseas country is required to obtain a local licence within a defined period of becoming resident. In the United States, this is usually within one month. In many European countries, it can be within a year of becoming resident but may be a shorter period. A very small number of countries (e.g. the UK) allow Australians to simply swap their Australian licence for a local one without further testing or other administrative hurdles. But in a large number of countries, Australians have to sit both a theory and a practical test in order to get a local licence, regardless of how long they have been driving in Australia, and regardless of whether their driving record at home is unblemished or not.

Many Australians are reluctant to go through local requirements, usually due to language difficulties and time and cost issues. This single issue is a significant stress factor for Australians moving to a new country. The Southern Cross Group knows of many examples where expatriates who have been resident in a country for a number of years continue to drive on an international driver's permit issued in Australia. This is illegal in their country of residence. Were they to have an accident, they may find that their insurance does not cover them, because they are not driving with a valid licence. This could have serious economic consequences in a motor vehicle accident involving a fatality or other injury to either the Australian or another road user.

Need for Bilateral Driver's Licence Agreements

The Government, through DFAT, should be doing more to negotiate reciprocal arrangements on driver's licences with other countries so that it is easier for Australians to "swap" their licences for local licences. The United States has many such agreements in place to benefit its expatriates.²⁰ Earlier this year, the SCG was pleased to learn that Australian consular officials in Paris had negotiated a deal with the French authorities. Moves are also underway in Belgium. But much work remains to be done. The SCG notes that progress on these issues often depends on the commitment and energy of the particular Australian Ambassador in the country concerned to push matters forward and undertake the relevant local work with the authorities in that country, as well as effective pressure from local Australian expatriate groups.

Foreigners moving to Australia from certain "recognised countries" only have to do a theory test to get an Australian licence.²¹ All others have to sit both a theory and a practical test. At the very least, a first step should be to negotiate with all these "recognised countries". Australians holding Australian licences in those countries

²⁰ The United States has an agreement in place with Belgium, which for example allows a person (whether a Belgian citizen or not) with a Belgian driving licence to obtain a District of Columbia or other US State driver's licence by simply sitting a theory test.

²¹ For the list of countries, see <http://www.vicroads.vic.gov.au>. The list currently includes Austria, Belgium, Canada, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Japan, Luxemburg, Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, UK, and USA.

should be able to obtain a local licence by just doing a theory test, by way of reciprocity. But in most of these countries, Australians still have to do both tests.

Medical Insurance

DFAT's *Living and Working Overseas Brochure* states under the heading "Insurance" that "Medicare will not cover you outside Australia". This is not necessarily a true statement. The issue of Medicare coverage overseas is one which is generally not properly understood by either Australian travellers or Australian expatriates. The SCG receives many queries on this subject, and it is clear from what people tell the SCG that many do not understand their entitlements, or if they have no entitlements, why.

Whether Medicare will cover an Australian outside Australia depends firstly on whether Australia has a reciprocal healthcare arrangement with the particular country in which medical assistance is sought. Australia currently has such agreements with Finland, Ireland, Italy, Malta, the Netherlands, New Zealand, Sweden and the UK. An agreement has been signed with Norway but is not yet in force.

Whether an Australian in one of the countries listed above will be covered by the agreement concerned will then usually turn upon whether the person is an Australian resident for the purposes of the *Health Insurance Act 1973*²² at the time he or she seeks medical assistance in the country with which Australia has the reciprocal agreement. Generally these agreements cover people who are "temporarily in the territory" of the other country but *not* ordinarily resident there. Tourists are therefore the most obvious group covered. This is no doubt why DFAT's booklet *Hints for Australian Travellers* mentions Australia's reciprocal health care agreements on page 10 (although it does not list the countries covered). Indeed the HIC website mentions that the agreements cover "travellers".²³

Although Australian tourists in these countries are clearly covered, and by definition, an Australian who is a permanent resident of the country concerned is not because they do not "reside" in Australia and are not just "temporarily in the territory" of the other country, there is however a grey zone in between which causes much confusion for many overseas Australians.

What of the Australian citizen in Ireland on a one-year Irish working holidaymaker visa? The Irish government calls these visas "Temporary Working Holiday Permits". It advises Australian applicants for these permits to take out private medical

²² Under the *Health Insurance Act 1973*, Section 3(1), an Australian resident means a person who resides in Australia and who is an Australian citizen or a holder of a permanent visa or has another particular migration status.

²³ http://www.hic.gov.au/yourhealth/services_for_travellers/to.htm#can

insurance for the duration of their stay in Ireland, but proof of such insurance is not a condition for the issue of the temporary visa. Presumably, young Australians would be covered by the agreement, but no clear guidance is readily available. A number of countries issue what are called “temporary” visas under their immigration rules, although these may be for up to several years in duration. A UK working holidaymaker visa is issued for two years and the applicant must intend to leave the UK at the end of that period. Are such individuals covered by Australia’s agreement with the UK? While in the UK, if they work, they will have to make National Insurance contributions, presumably entitling them to use the UK National Health in their own right, independently of any rights they might have under the reciprocal health agreement.

Would an Australian living and working in Switzerland, temporarily in Ireland as a tourist or on short-term business from Switzerland be covered by Australia’s agreement with Ireland? It appears they would not be, because they do not at the time “reside” in Australia.

On the one hand, the section on “Insurance” in the DFAT brochure *Living and Working Overseas* appears, contrary to its title, to be aimed at pure travellers, since it says “if you can’t afford travel insurance, you can’t afford to travel overseas”.

On the other hand, the brochure does not mention Australia’s reciprocal health agreements, perhaps because, living up to its title, it is aimed at those living and working overseas, rather than tourists, who are the primary focus of the reciprocal agreements.

The brochure advises Australians to take out travel insurance for the whole period they will be living overseas. This shows a lack of understanding of what Australian expatriates face when moving overseas to live and work.

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.

It would be advisable to explain that where this is not the case, the expatriate should obtain their own private insurance locally where travel insurance is not available or not appropriate.

It would also be helpful if a link could be provided to a Government website which includes detailed information in plain English on eligibility under Australia’s existing reciprocal health agreements, concentrating on those areas outlined above in the “grey zone” which cause many people confusion.

Taxation

The DFAT brochure states under the heading "Paying tax" that "all Australian citizens must pay tax, wherever they live".

In its comments to DFAT dated 1 December 2002, the SCG pointed out that this statement is incorrect. But it remains in the brochure.

An Australian citizen living overseas with no income in Australia may not have to pay tax in Australia. The US is the only country that imposes tax based on citizenship. Australian tax is based on source and residency.

Citizenship

The DFAT brochure discusses the fact that people do not lose their Australian citizenship simply by residing abroad. It is curious that this information is deemed worthy of inclusion in the brochure when other key citizenship issues are not. In the SCG's in-depth experience of citizenship issues over the last several years, no one has ever posed this question.

No mention is made in the brochure of the fact that those Australians who acquire another citizenship by naturalisation on or after 4 April 2002 now no longer forfeit their Australian citizenship. Despite the recent change to Australian law, great confusion remains among Australian expatriates on this point. Further, many who forfeited their citizenship before 4 April 2002 are still not aware that they have lost their citizenship. And those who are aware they have lost it are not aware that they may be able to resume it. The SCG continues to receive many queries on the issue of loss of citizenship on the acquisition of another, but the issue is not addressed in the brochure. It is however the key citizenship issue of concern to the overwhelming majority of Australians overseas.

Marriage Abroad

DFAT's brochure discusses getting married overseas. But it does not address the fact that a foreign national who marries an Australian will not automatically acquire Australian citizenship, and will also not automatically acquire the right to return to live in Australia with their Australian spouse, but will require a partner visa issued by DIMIA which takes several months to be processed and can be refused if the person does not meet the requirements for the issue of the visa. It is a common misconception among expatriates that their non-Australian spouse will have full citizenship and/or residency rights in Australia immediately upon marriage simply by virtue of the act of marriage itself.

Voting

The SCG made several suggestions to DFAT about this section of the brochure in December 2002, few of which appear to have been taken on board. As it stands, the brochure is extremely misleading because it could result in the inadvertent disenfranchisement of expatriate Australians due to the information it omits.

The SCG strongly recommends the insertion of the following sentences after the first sentence explaining that individuals are not legally required to vote while they are overseas:

You should note however that if you do not vote in an election held while you are overseas, the AEC has the legal right to remove you from the electoral roll. Thereafter, you may not be legally entitled to re-enrol to vote until you return to reside at an address in Australia for one month or more. There is provision for Australians moving overseas to register with the AEC as "Eligible Overseas Electors".

Beyond Protecting Australians Abroad: Diaspora

As the Committee's Discussion Paper points out on page 8:

The White Paper does not appear to recognise that, in a globalised economy, a diaspora which involves 40,000 people leaving Australia each year to live, work or study abroad might require a rethinking of concepts of citizenship, voting rights, or even eligibility for awards such as "Australian of the Year"... the White Paper provides no vision for how Australian might usefully harness its expatriate capital to assist in "advancing" the national interest or to ensure that our global citizens retain strong ties to Australia.

The Southern Cross Group fully endorses this statement. It also endorses the submission to this Inquiry by Bryan Gaensler and other Australian academics in Cambridge, Massachusetts entitled "Mobilising the Australian diaspora".²⁴

Perhaps because Australia has traditionally been a migrant receiving country, it is not attuned as a nation to issues surrounding emigration and diaspora. The SCG believes that a major oversight of the White Paper is that it fails to recognize the enormous potential value the Australians who live and work permanently or semi-permanently overseas represent in advancing the national interest. The White Paper also fails to address any methods which might be employed to exploit these assets. Such assets may be exploited both by helping smooth the way for other Australian businesses and individuals overseas, as well as bringing Australian expertise and other resources gained abroad back to Australia.

Many overseas Australians represent the 'brightest and best', leaving home for opportunities in work and study abroad. They can be found in large numbers resident in the strategic allies and partners of Australia - the United Kingdom, Europe, the

²⁴ Submission No 2 of 31 March 2003.

United States, Asia, as well as in other parts of the world. They are now part of the global fabric of business and government and represent a tremendous national asset.

Some of the ways in which Australians overseas continually contribute to and support Australia were outlined in the SCG's Submission to the National Australia Day Council (NADC) of 24 September 2002.²⁵ It is pleasing that in April 2003 the NADC decided to remove from the Australian of the Year Awards the discriminatory eligibility requirement that nominees be "principally resident in Australia". While the SCG is doing its best to promote the 2004 awards among overseas Australians, it remains of the view that the time is ripe for the establishment of a special "Expatriate Australian of the Year" Award in the NADC's award portfolio. Such an award would go far towards increasing awareness among all sections of the Australian community of the value, nature, diversity and extent of the Australian diaspora.

Many business and government transactions are enabled by the personal relationships which underlie these dealings. With the diverse sets of skills expatriate Australians possess, and the positions which they occupy, Australia is extremely well positioned to exploit the expertise of its expatriate citizens to advance the national interest.

In addition, it appears that ties to Australia are something most expatriates hold dear, and many would welcome concrete and structured opportunities to contribute to Australia's interests. As one submission received by SCG reads in part:

On leaving Australia to work in other countries we do not cease to be Australians nor do we cease to be interested in contributing in some way to Australia's well being. What little connectivity that remains is at least for me, cherished.

The SCG calls on the Australian government to help act as a broker to aid in the exploitation of this underutilized resource, by putting in place an overarching framework policy for the Australian diaspora. It notes that the Australian Labor Party gave a commitment in January 2003 to begin discussions with other parties in the Parliament on the holding of a Parliamentary inquiry into the Australian diaspora.²⁶ Such an inquiry, with broad terms of reference, could provide a catalyst for the formation of concrete government policies for the Australian diaspora. The SCG renews its call for such a Parliamentary inquiry.

²⁵ http://www.southern-cross-group.org/archives/Expatriate%20Australian%20of%20the%20Year%20Project/SCG_Submission_to_NADC_24_Sep_2002.pdf

²⁶ See "Fostering Australian Citizenship in a Changing World", Labor Policy Paper 009, January 2003, page 29.

Harnessing the Potential of the Expatriate Australian Community

In the submissions received by the SCG regarding this Inquiry, several suggestions were made as to how to exploit the Australian diaspora resource. Relatively recent advances in information and communications technologies mean that now more than ever, these goals are feasible.

The SCG is harnessing the power of internet and e-mail to provide a great deal of information to overseas Australians, albeit within the constraints of a non-profit, volunteer organization. It receives many expressions of appreciation for its work from the expatriate community. As one submission received states:

...the Southern Cross Group has given me crucial access to information and to a sense of connectedness. This could only happen with the Internet...

Specific suggestions received by the Southern Cross Group are provided verbatim in **Annex 3** to this submission. Please note that the SCG in no way endorses the attached proposals as an expression of its own policy in this area. It merely presents these ideas from various Australian expatriates as material for consideration and as evidence that many in the expatriate community are actively considering these matters.

Australia Lags Behind: Other Countries Have Developed Diaspora Policies

Several submissions received by SCG pointed to the examples of other countries in their dealings with their expatriate communities. One submission included the following:

On the subject of the diaspora your points are very valid about having to rethink and I am struck by memories of articles some six months ago on the Indian government's realisation of the potential value in their diaspora (I think they noticed what is happening with Chinese expatriates investing in businesses back in China). I believe the points raised included cash being repatriated and the tendency for expatriates to return and invest does this happen?). Less measurable topics like reputation were also included. I suggest existing strong role models are Mexico (repatriated cash is the second largest national income I believe) and Israel (I would suggest strong political influence).

In short the diaspora is already/increasingly seen is an asset by some nations.

My suggestion, therefore, is to exploit the Indian studies and select those relevant to Australia.

Finland provides a very good example of what can be done at home for expatriates abroad. Finland has the "Finnish Expatriate Parliament", which is a cooperation forum for Finnish expatriate communities throughout the world. It channels the needs and desires of expatriate Finns to the Finnish State. It also works with the Finnish government to help fully utilise the diaspora resource.²⁷

²⁷ <http://www.uparlamentti.org>

France provides another excellent, and perhaps more developed example. A detailed account of the way the French government and people value and exploit their expatriate community is provided as **Annex 4**.

Conclusion

The DFAT White Paper *Advancing the National Interest* has little to offer overseas Australians beyond assurances that the Government will do its best to keep them safe from terrorism. Many expatriate Australians feel that this is not enough.

The White Paper fails to recognise the invaluable resource some 5 percent of the Australian population living and working overseas represent. Further, it fails to make suggestions on how that resource may be harnessed, both for business and government dealings overseas, as well as making it easier for Australians abroad to contribute their expertise.

It is time for Australia to think outside the box about the nexus between “national interest” and “diaspora”. A Parliamentary inquiry into all aspects of the Australian diaspora, already supported by the ALP, would be a logical next step.

As the twenty-first century unfolds, the challenge will be to move those in Government and the wider community beyond the common Australian reaction that by choosing to live overseas, expatriates have somehow ‘rejected’ Australia. Only once that misconception is thoroughly dispelled will we be able to move beyond the existing domestic reluctance in Australia to acknowledge the value of exploiting the Australian diaspora. Acceptance of a broader definition of what it means to be Australian in a globalised world and general recognition of the value in mining the relationship with those who live and work overseas would be, in the view of the SCG and many overseas, truly in Australia’s “national interest”.

The Southern Cross Group would welcome the opportunity to contribute further to the consultation process which has begun by way of this White Paper and the Committee’s inquiry, and can be reached at the address below:

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SCG E-Bulletin To Members

Seeking Input to Senate Inquiry on “Advancing the National Interest

From: Southern Cross Group
Sent: Friday, 28 March, 2003 12:01 PM
To: List Members
Subject: **Overseas Australians: Advancing the National Interest**

Dear Overseas Australians and Friends,

The Southern Cross Group has received a letter from the Australian Senate's Foreign Affairs, Defence and Trade Committee (FADT), inviting the Group and overseas Australians to make submissions to the Committee's inquiry into the Government's recently released Foreign and Trade Policy White Paper, entitled "Advancing the National Interest".

The deadline for submissions to the Senate Inquiry is Friday 11 April 2003.

For more information, see the SCG website:

<http://www.southern-cross-group.org/inquiries/currentopportunities.html>

The Senate Inquiry is an excellent opportunity for overseas Australians to put their views and ideas forward in Canberra on how they can help advance the national interest from abroad. If you have comments on this subject that you would like us to include in the Southern Cross Group submission, please send them to info@southern-cross-group.org by Monday 7 April 2003. Or you can make your own submission directly to the Inquiry by Friday 11 April 2003.

For those who would like to read the 188-page DFAT White Paper, or parts thereof, see:

<http://www.dfat.gov.au/ani/index.html>

Importantly, Chapter 11 of the White Paper deals with "Protecting Australians Abroad".

http://www.dfat.gov.au/ani/chapter_11.html

This primarily focuses on consular assistance matters. While this chapter is very pertinent to Australians overseas, the White Paper does not grapple with wider Australian diaspora issues.

As part of the Inquiry, the Senate FADT Committee Secretariat has put together an 8-page discussion paper drawing out the main points in the White Paper.

On page 7 of the FADT Committee discussion paper for the inquiry, it says:

8. Australian diaspora

The White Paper notes that there are more than one million Australians traveling, working and living overseas at any one time (p. 119).

In its discussion of Australians abroad, the White Paper focuses primarily on issues such as consular and passport services while making brief mention of the value added to Australia's overseas image by successful expatriates.

The White Paper does not appear to recognise that in a globalised economy, a diaspora which involves 40,000 people leaving Australia each year to live, work or study abroad might require a rethinking of concepts of citizenship, voting rights, or even eligibility for awards such as "Australian of the Year" (which is currently restricted to residents). The White Paper provides no vision for how Australia might harness its expatriate capital to assist in "advancing" the national interest or to ensure that our global citizens retain strong ties to Australia.

The Committee seeks comment and international comparisons on the issue of foreign policy and the Australian diaspora.

Please help us use this valuable opportunity to have our voices heard by decision-makers in Canberra on any issues you feel are important to the Australian diaspora. All feedback very welcome!

Best regards,

The Southern Cross Group Committee

**Comments by Australian Expatriates on draft version of
DFAT Brochure *Living and Working Overseas***

As provided to DFAT, 1 December 2002

General Comments

Case 1

The title of the brochure gives the impression that it will be full of good hints for the real expat, the one working and residing in a new country. It is a start but some areas could be reinforced. For example: (5 suggestions incorporated below)

Overall good rating and I welcome the opportunity to provide first hand input.

Case 2

I have reviewed the booklet that DFAT has produced. I was not terribly impressed- it is very very general and light in its discussion and I would be surprised if anyone considering going overseas for work would be at all helped by it.

One gets more substantial information in the front section of any lonely planet guide.

Presumably anyone contemplating leaving the country is not completely stupid - as such the brochure should be able to deal with a few topic in greater depths...as it stands now- it wouldn't even help an 18 year backpacker! let alone someone considering going through the rigors of legally obtaining a work visa.!

Hope that this helps.

I understand brochures need to be simple- but this is rather too facile!

Case 3

I thought the "information" was very basic. I believe most experienced travellers would know what's listed there. Many travel agents supply more information than this site.

It would be more useful if they gave brief examples of the types of challenges that are most frequently handled by their offices. Of course there is no end to the problem possibilities, but they could refer to the most frequent and cover themselves by saying something like "while these are examples of what we encounter, troubleshooting is not limited to them"

A similar problem exists in the reverse- namely, many people working in emigrational services know very little about the laws, as a result they frequently give out false information, and much of this work is done by consulates and embassies.

Case 4

1. Content - no real comment other than to say it seems most relevant to people in Australia thinking about moving overseas (i.e. once you've done it most of it your aware of).

2. PDF files, particularly with graphics, are a real pain on-line. They should stick to text files and not pretty pictures.

Case 5

The booklet was long on good hi tech graphics and short on useful information-- for example;

1. I would like to know whether or not MEDICARE has changed dramatically while I have been gone. Can I go back and be treated at no cost if I get a serious disease -- no discussion on that.
2. Can I get someone to buy me medicine in AUSTRALIA at Medicare rates with a prescription and have them send it to me? No discussion.
3. No information on Australian lawyers, doctors, tax consultants overseas was available -- no indication that the consulate would help with filing tax returns etc.
4. No information on libraries at the consulate or social circles or anything that was in the nature of an offer to help.

In short, there was not much help information -- just warnings -- make sure you have money, insurance etc. It seemed the point of the brochure was to keep the consular staff from having to deal with problems.

Then I thought the SECOND picture of the AUSSIE holding out a pint of beer was ridiculous and unprofessional. Why would a government publication want to perpetuate to its expatriates the image of the Aussie yobbo whose most important consideration in life is his beer? Really ridiculous in such a publication. Graphics should be done away with and more data included.

The segment on culture shock was also silly and unbecoming of a government agency -- why would we want to hear their pop psychology pabulum? Especially so when no offer of help is presented.

Case 6

After reading the attached brochure for Aussies travelling/living o/s the only feedback I could possibly add is to advertise the existence of this brochure (and service) to expats and travellers. I think the advice and knowledge contained in the brochure is extremely helpful - especially for those Australians who are new to travelling or living O/S.

Case 7

Overall, I was heartened that DFAT is taking the initiative to address expatriate issues and provide an informative service to this group of people. It is also good that they are asking for input from people whom have gone through the expatriate experience. The booklet had some good information and I have some suggestions below:

Useful things: I thought there was some very useful information in the booklet, such as the "Culture Shock" & "Local Customs & Laws" section and addressing issues like what to do if you are arrested, etc. These are important and need to be stated clearly, as they are.

Length of booklet: The booklet is spaciouly laid out but it is too long and often too vague. Its 20 pages (with only 3 short paragraphs on each page) could easily (& should) be condensed to less than 10 pages. There should also be further information and links in **every** section to enhance usefulness. There is repeated reference to other brochures, which is where the vagueness comes in - if you're someone who needs access to such information immediately, or cannot get to the Internet or a phone, then you've essentially been offered an interesting but useless piece of information. Also, it is frustrating to have to refer to other printed materials for information that should be contained in the brochure that you are reading now.

Contact/further information: Many sections refer the reader to phone numbers or web links for further information, and there are other sections that don't provide any details at all. There should be at least

one phone number that can be dialled from overseas (not something like 13 28 70, as these can only be dialled from within Australia) and a web link included for every subject addressed. One specific subject missing any contact information at all is the 24-hour Consular Operations Centre for Australians to call in an emergency like hospitalisation or imprisonment (in "Assisting Australians" p4).

Insurance: It should be stated that even if you have insurance coverage whilst travelling overseas, you will likely be expected to pay for medical treatment, etc, first and then claim the money back from the insurance. Travellers should thus have access to emergency funds like this, such as large sums of immediate credit on credit cards or money in savings accounts. Also, from my own travel insurance experience, it is very hard to find a plan that will cover extended periods of travel (over 12 months) or a person who intends to work overseas. A reference or further information for such plans that are appropriate for expatriates should be included. Perhaps there is an insurance oversight commission or the like in Australia that can be listed as an authoritative source on this?

Shipping your belongings: It should be stated that insurance is a must for shipping belongings. Also, who is liable at what end, and who to contact for problem resolution? (I had a situation when I shipped my belongings that when they arrived in port the recipient company refused to deliver them to my new home even though my contract from Australia stated that I had paid for that service. It ended up costing me several hundred dollars more and a really big headache, & since I was new in country I had no idea where to go for help as the Australian broker could/would not help me.)

Getting Help: There should be a statement as to what to do if you are in a country that does not have an Australian diplomatic or consular post, or even a British or Canadian post. Do you call back to Australia? Do you call the nearest embassy in a neighbouring country?

Where is your consul? There is a reference to *Hints for Australian Travellers*, but it is not clear what this is or where you get it from. I know I got mine when my passport was issued, but people may not recall what it is or where they can get a replacement copy. Also, if you have a 10 year passport, the edition of this brochure you have may well have old information that would not be of use anymore.

Including an Index: There should be an index of useful phone numbers & web links on one page.

Including a Section on Superannuation: I think having a section that refers not just to welfare benefits but also to superannuation & foreign pensions. Specifically regarding superannuation, there are certain things that could be addressed: What happens to your super when you go overseas? How can you protect it? What laws should you know about when you go overseas? Who do you contact if you want to roll it over to an overseas account? What to do if you want to roll an overseas super into your Australian super? What is the legal/governing authoritative body that can help you out if you're experiencing difficulties with your super while you're overseas?

Including a cheat sheet for your specific country of destination: I kept thinking to myself while I read this booklet - "Wow, this is good to put all this information in one place. If only it could be my resource book on expatriate issues. " The one thing missing in order to accomplish that is to put all the specific contact information for my country of destination in with it, including such things as:

- a full list of consulates/embassies
- more specific information on health care system structure
- some brief facts on the country + customs
- what kind of driver's license you need
- import & customs regulations
- contact information for essential government department & tourism bureaus, etc.

I know all this information is out there on the web, but it is so diffuse and inaccessible to someone who doesn't have a clue where to start. Creating a link between information about a foreign country as it pertains to Australians (and existing structure in Australia) would be fantastic.... a cheat sheet!!! This could be external to the booklet so that someone could download the generic booklet & then a cheat sheet on their destination country or countries.

Case 8

I read the draft of the DFAT document and would like to see more information related to the impacts of being overseas for long-term stays, and what can be done before leaving Australia to minimize these effects. I initially left Aus for 1 year, and am still in the US 7 years later, and I am guessing many people are in the same boat as me. What I am finding is that there are areas in which I have lost eligibility (e.g. I can no longer vote as I did not know to register with the AEC as being an overseas voter) that I would never thought would have been impacted. I am now aware of impacts to the eligibility to vote, taxation implications of being in certain countries for over certain periods of time, and there are also financial decisions I would have made differently if I had been more aware.

I think the document should advise those intending to be overseas for a long term stay to consult with a financial advisor, as well as gain a better understanding of the taxation environment of the country they are travelling to, both for the short term and long term. Any implications of being overseas for long term stays that are imposed by the Australian govt (i.e. voting implications) should be spelt out also.

I am fine to be contacted for more information,

Pets

Case 1

Hi thanks for the note - the brochure for Aussies abroad is a bit light. One thing it does not talk about - which was hard for us when we moved to the USA was the question of Pets.

There is some really good info and support for movement of animals in the AQIS web site.

Learning About Your Destination

Case 1

In the section "Learn about your destination", it may be wise for those moving overseas to find out which, if any organisations exist. There are for example a large number of Southern Cross Clubs the world over. It would be great if our organisation could get a mention in the pamphlet, being the only Australian non-governmental institution worldwide.

Power of Attorney

Case 1

A power of attorney may be wise to complete before leaving, in case of an urgent need of funds, or to administer financial transactions in Australia.

Be Good Australians

Case 1

A recommendation to travellers to be "good Australians" overseas. I have seen some frightful examples of Australian misbehaviour overseas. (Beer in-brain out) Such behaviour is pathetic and embarrassing.

Country Specific Pages

Case 1

It would be interesting if (DFAT) set up a country specific page that people can provide help to each other...

Centrelink References

Case 1

As an expatriate I have discovered that the Italian pension dept. will recognize years of residency in Australia towards my required number of working years for an Italian pension. So the brochure could provide more detailed tips to the expat on how to contact Centerlink (except the small excerpt about welfare payments). This is just one small example of how the brochure could prepare 'soon to be' expat. So expand the Centerlink reference.

Overseas Voting

Case 1

Voting as an expat, isn't this already an issue with the Southern Cross. It isn't true, as a non-resident how can I vote in state or federal election?

Comment By John MacGregor

As Consular Branch staff will appreciate the Southern Cross Group has made a submission to the Joint Standing Committee on Electoral Matters (JSCEM) regarding voting in Federal elections by Australians resident overseas.

I feel that the text in the brochure is misleading and/or incomplete on a number of issues:

- The need to register as an overseas elector
- The eligibility periods applicable to registering as an overseas elector and for initial enrolment from overseas.
- The six year limit on voting from overseas
- Sources of information on the calling of elections
- How to apply for a postal vote
- While voting is not compulsory from overseas, if a registered overseas elector fails to request a postal vote or to lodge a vote, the AEC automatically deletes that person from the roll.
- The need to establish a reliable mailing address for the receipt of correspondence from the Australian electoral Commission.

While the SCG is hopeful that the JSCEM will support the changes recommended in our submission, any changes will take time to be considered by Parliament and/or to be put into practice. Thus, changes to the existing text in the next printing of the brochure would need to reflect the current provisions of the *Commonwealth Electoral*

Act 1918 and any announced changes in practice by the Australian Electoral commission.

Dual Nationality

Case 1

Dual nationality (under) the new law is not described here, just the potential problems and another brochure referred to, it should be mentioned that at least you no longer forfeit your Australian one and then re-refer to the web link.

Consular Addresses

Case 1

Maybe when you became an expat your passport was already issued sometime back referring to the booklet you got then for consular addresses etc is a bit pointless. could they not be printed also in this brochure?

Taxation

Case 1

I noticed that there is an error in relation to Paying Taxes on page 10. The US is the only country that imposes taxation based on citizenship. Australian tax is based on source and residency. If an Australian citizen ceases to be an Australian resident, they are not required to pay Australian taxes (unless they have Australian sourced income). This is the case whether they move to a high tax country like the US or Europe, or a tax haven, like Bermuda. (Pat Rafter, who played for Australia and is an Australian citizen, established tax residency in Bermuda until about a year ago for this reason).

Financial advice

Case 1

Regarding the "Financial Matter" section of the "Australian Consular Services for Expatriates" booklet, I wish to make the following comments.

It is very important for people to seek advice pre, during and post working holiday / temporary employment overseas. This is because leaving poorly structured overseas investments, insurance policies and retirement funds, could lead to an additional tax burden on return to Australia. Such structures might be tax-free in the o/s country, but will not necessarily be tax free in Australia, due to Australia's tax system (For example, foreign investment funds (FIF) taxation). Establishing tax residency is an important part of the process.

Australians can get themselves in a right mess if they do not plan/seek advice in these areas. On the flipside, there are plenty of opportunities too, for those in this position. In this instance, advice will not be for the purpose of avoiding pitfalls, rather maximising one's position.

If you require elaboration on any of the above, please let me know and I would be happy to assist further.

Ideas Received from Expatriate Australians on Enhancing the Australian Diaspora

Suggestion 1

"I would propose consideration be given to a government sponsored arrangement for the establishment of an international network structure into which expatriate Australian could be approached to join. Those interested could enter at a nominal or no-fee basis and through a 'Network Journal' become known to other expatriate Australians worldwide and to those sectors in Australian activity that have an interest in the Diaspora.

"Inherent in becoming part of the 'Global Australians International Network' (GAIN) is the expectation that one would be called upon from time-to-time to contribute knowledge experience and/or information pertaining to business climates and market trends or even cultural shifts. Such data may be of use to Ministry of Trade etc. Such a network could be indirectly beneficial to 'GAIN' members through 'fellowship' events and gatherings where new enterprise exchanges may occur.

"A further and potentially significant role that may arise for 'GAIN' would be as an Australian oriented interest group that may be in a position to guide their host-country to business opportunities and or solutions that exist in Australia.

"An entirely personal opinion holds that entry to 'GAIN' membership would occur as a consequence of some pre-requisite 'qualifiers'. The object would be to garner for potential GAIN members a certain level of prestige and acknowledgement (endorsed by the Australian Government) that would in many cases increase the attraction of membership. Should the Australian government have occasion to require information of a global nature, which is not available to them through their other channels, access to contributors or surveys through GAIN members could prove valuable more especially if GAIN membership numbers are large enough to be statistically significant."

Suggestion 2

"One key way "Australia might harness its expatriate capital to assist in advancing the national interest" is through the SCG, as a non-profit organization. Government and business are both restricted in fully harnessing expatriate capital because of their fundamental reason for being. That is, the government is there to protect the welfare of citizens and business is there to profit from them. However, a non-profit structure, working closely with business (already starting through alliance with Australian Institute of Company Directors) and government can truly promote the "national interest" through Australia's expatriate community. SCG is perfectly positioned due to its strong and professional leadership together with current capable volunteer workforce.

"Currently, SCG is focused on people mobility issues that are largely technical and advisory in nature. In order to fully "harness expatriate capital", SCG needs to be given resources to begin the process to map out how Australia may reap the benefits from its expatriates. Professor Hugo has suggested a first step would be to conduct a census. In addition, there needs to be a business plan developed that specifically focuses on expatriates from this census. Assuming adequate resourcing, some ideas are:

“All emigrants from Australia to receive SCG membership pack including explanatory literature, membership card and key-ring reminder with website, phone and other contact details. The pack could also be provided to all expatriates registered with Australian consulates around the world. The card could have a magnetic strip or unique number to be used at certain establishments worldwide for value-for-money services particularly aligned to the needs of expatriates

“Strong alliance development with all Federal and State government departments that have expatriate issues and with whom to assist in the ongoing development of foreign policy. Key reason is to facilitate seamless delivery of services to expatriates saving time and money for governments and the individuals concerned.

“Strong alliance development with business wishing to trade outside Australia. The White Paper discusses the Federal Government's desire to double the number of Australian exporters by 2005. What better way than to have SCG as the business execution point to go further than any government department.

“Regular media via web cast and radio focused entirely on issues relevant to expatriates

“Yahoo” for Australian expatriates

“Development of an Australian “Global Business Network” linked closely with the larger non-profit organization mentioned above”

Another suggestion, more in line with generally advancing Australia's national interest was received as follows:

“As the Director of an Australian Studies Centre which is totally interdisciplinary and one of the few in Europe I would like to suggest that one way of advancing National Interest is by an investment in Education and Centres in Europe which have been somewhat sidelined since Australia has turned its sights towards Asia.

There is a huge interest in Australia in Europe and education as well as Australian Studies. More should be done to enable this interest to grow.”

Dealing with the Australian Diaspora: A Comparison with France

Introduction

In the context of the Committee's invitation to the Southern Cross Group to comment on and provide international comparisons on the issue of foreign policy and the Australian diaspora, we present here a brief description of certain aspects of how France deals with its expatriates. France's approach is remarkable for the depth and breadth of the structures that exist around the world for the benefit of French expatriates and for the benefit of France itself.

Just under two million French citizens live outside the territorial borders of France, a figure which represents about 3% of the total French population (including its overseas departments and territories) of approximately 60 million. Surprisingly, this is a lower percentage than Australia's estimated 4.4%.²⁸

France places great importance on its citizens living abroad.

The most striking evidence of this is the existence of the *Conseil Supérieur des Français à l'Étranger* (C.S.F.E) - the **High Council for French Expatriates**, which is a representative assembly elected directly by registered French citizens living abroad. The High Council works in both directions, both assisting expatriates in their life abroad and "enabling them to take part in the life of the nation and make themselves heard, despite the distance separating them from France".²⁹ This Council exists primarily because French citizens living abroad are specifically mentioned in the French Constitution, under which they are given the right to representation in the Senate. The High Council is the body which elects the Senators who represent expatriates.

A second important point is that French expatriates do not lose their **right to vote** in regular French and European elections and referenda simply because they are living outside France's borders, as, under Article 3 of the French Constitution, a voter is defined according to his citizenship not his residency. Expatriates thus remain full citizens of the French nation and continue to participate actively in its political life. In this way, their real, ongoing contribution to the country of their citizenship is acknowledged despite the fact that they are absent physically.

²⁸ Based on DFAT estimates that there were some 860,000 Australians living permanently overseas as at December 2001, equivalent to some 4.4% of Australia's resident population at the last census. The DFAT White Paper gives as more than one million the number of Australians overseas at any one time, but this includes travellers.

²⁹ Much of the information given in this paper is available in English on the website of the High Council for French Expatriates, www.csfe.org

Finally, the French Government has created and/or supports various **worldwide networks and associations** to assist French expatriates in their everyday life abroad. For example, there are some **400 French schools** around the world, and, as well as the **French Trade Office**, there is a network of international **French Chambers of Commerce**. There are also cultural networks such as the well-known **Alliances Françaises** and others, which are also supported by the French Government, although their activities are less directly concerned with assistance to expatriates and more with reaching out to members of their host communities.

Political Representation of Expatriates

THE HIGH COUNCIL FOR FRENCH EXPATRIATES

Historical Background

French citizens living abroad have been considered an integral part of the French nation ever since 1789, when their citizenship status was debated during the French Revolution. In more recent times, their political representation was enshrined in the Constitution of the 4th Republic (27 October 1946), and this was maintained in the current Constitution of 25 September 1958, (the 5th Republic), where it is expressly stated that “French nationals settled outside France shall be represented in the Senate” (Article 24)³⁰.

In 1948, four previously existing bodies (the Union of French Chambers of Commerce Abroad, the French Overseas Teachers Association, the Non-Resident French War Veterans Federation, and the Overseas French Union (Union des Français de l'étranger, UFE), founded in 1927) all claiming the right to represent French citizens living abroad, suggested that a single body be created. This request was received favourably and the **High Council for French Expatriates** was created on 7 July 1948.

Rationale

There were two underlying ideas in setting up the first Council, which was first voted for in 1950.

- First, a more accurate notion of the identity of French citizens living abroad was to be gained by requiring them to register in their consulates in order to vote for the Council.
- Second, they could obtain voting rights by rallying together by joining an association or French "body".

³⁰ French Constitution of 1958, as updated in 1992, Article 24, Section 3:
<http://www.legifrance.gouv.fr/html/constitution/constitution2.htm#titre4>

The first Council's role was an advisory one, as it wasn't until 1958 that the Council became the electoral college that elects the Senators to represent French expatriates in the Parliament. The Council's current structure was established in 1982.

Composition

The High Council for French Expatriates is a body consisting of:

- One hundred and fifty delegates elected by direct universal suffrage³¹ by registered³² French citizens living abroad. Half of the delegates are elected every three years for six-year terms.
- Twelve Senators, *ex officio* members of the Council, elected by the elected members of the Council to represent expatriate French citizens in the Senate, where they can propose laws and amendments for the benefit of expatriates.
- The Minister for Foreign Affairs who is the President of the High Council. Three vice-presidents are elected from within the Council.
- Twenty personalities appointed by the Minister of Foreign Affairs "by reason of their competence in matters concerning the general interests of France abroad" but who do not vote for Senators.

Structure

The Council President (the Minister for Foreign Affairs) advises the Cabinet, and defines the objectives and priorities of the assembly which he chairs.

Three Vice-Presidents elected by the plenary assembly are entrusted with the mission of reflection, proposition, organization and communication. They undertake the work of the Council and report back to the President.

The Senators take the propositions, motions, resolutions and wishes expressed by the High Council to the Senate, the National Assembly (≈ the House of Representatives) and the Economic and Social Council. The Senators can introduce Bills or legislative amendments reflecting the hopes and needs of French people living around the world.

The elected councillors represent French expatriates. The councillors' knowledge of local conditions provides the whole Council with the information needed for it to carry out its task.

³¹ For full details (in English) on how voting takes place and the organization of the electoral divisions, see the CSFE website www.csfe.org or Appendix 1.

³² Further comments about registration are given below.

The appointed councillors are designated by the French Minister of Foreign Affairs on the basis of their particular qualifications.

The plenary assembly of the Council meets once a year, but the permanent bureau, made up of the President, the three Vice-Presidents, and fifteen members elected by the plenary assembly, meets four times a year, ensuring working continuity between sessions. Council members are divided among specialised committees which prepare reports for submission to the plenary assembly. It is compulsory for each delegate to belong to a standing committee, and one only. There are at present four standing committees (social affairs; economic, fiscal and customs affairs; education, culture and information; and for French expatriates' representation and rights) and three temporary committees (war veterans; employment and vocational training; and reform of the High Council). There are also various ad hoc working groups established for specific needs as they arise.

Role of the High Council

To elect Senators

The High Council's original role was purely advisory, but since 1958, it also exercises real political authority by electing the Senators who represent French people abroad. Elected councillors, like all persons elected to a public office in France, also have the right to sponsor a candidate for French presidential elections.

To advise the Cabinet

In its advisory role, the High Council is "**called upon to give the Cabinet opinions on matters and projects of concern to French expatriates, and on developing France's presence abroad**". The Cabinet may consult it, or it may intervene on its own initiative. They express wishes, issue opinions and submit motions to guide government action. At plenary assembly and permanent bureau meetings, they solicit the government's attention through written and oral questions.

To defend the interests of French expatriates

High council delegates, as elected representatives of the various French communities abroad, have the task of defending the interests of French expatriates, both in their country of residence and in France.

To carry out research

Councillors do not simply give prior opinions. They research matters relating to the education of French people abroad (schooling and professional training), their legal rights, their social situation (social security), and their economic and taxation problems. The High Council may also use background studies to inform the French authorities on specific problems (education, law, social affairs, foreign trade, taxation, etc.) affecting the interests of French expatriates.

To represent expatriates on national boards

In addition, members of the High Council can also be elected to various national boards, where they can forward the particular interests of French expatriates. These boards include:

- the Economic and Social Council,
- the Social Security Fund for French Expatriates,
- the Agency for French Teaching Abroad,
- the National Study Grants Commission,
- the Standing Committee for Employment and Vocational Training for French Expatriates,
- the National Legal Aid Council,
- the Paris Departmental Rights Entitlement Council,
- the Council for the Social Protection of French Expatriates, and
- the National Association of French Schools Abroad.³³

To work with diplomatic personnel at French missions in their country

Members of the Council are also in permanent contact with the accredited French authorities in their country of residence, being *ex officio* members of the consular bodies competent in the fields of employment and vocational training, welfare action and protection, and study grants. They also assist in administering the voting centres set up for Presidential and European Parliament elections and referendums, which may take place in the embassy or consulate. (More about voting below.) They can also be consulted by the heads of diplomatic and consular posts on all general matters of concern to the French nationals in their electoral district.

To inform expatriates

In addition, the High Council has established a very comprehensive website, broadly divided into two sections, one for French people living abroad, and the other for the elected delegates themselves. All information of any possible interest to any French citizen living anywhere in the world can be posted on the website, and it is constantly updated.

Registration of French expatriates

All French expatriates who register at their embassy or consulate are automatically entered on the electoral rolls for the High Council, unless they expressly refuse. While neither registration nor voting is compulsory, registration is required to be able to vote. French residents abroad are thus encouraged to register in order to be able to vote for their representative council. This registration also allows French expatriates to exercise their right to vote in French Presidential and European elections and referenda at their embassy or consulate, if it has been established as a polling place. This is further described in detail in the sections on voting below.

³³ More about some of these bodies below.

Implications for Australia

The Southern Cross Group believes that the establishment of an advisory body somewhat like the French High Council for Expatriates (called, say, the National Advisory Council for Australian Expatriates) could be seen as a useful “first step” solution for Australia, before tackling the more thorny question of direct election by Australians living abroad of dedicated MPs or Senators. It would have the following immediate advantages:

- It would bring about the creation of a register of Australians living abroad, if registration was required in order to vote for members of the Council. This in itself would have many positive benefits:
 - a more accurate idea of the number of Australians living abroad and their profile(s) than is currently available;
 - a more accurate idea of the needs of these expatriate citizens;
 - contact details in case of problems;
 - distribution of information of importance to expatriates;
 - easier voting in Australian elections for those eligible to vote from overseas, even under the current rules (identity checks, distribution of information, etc)
- It would be seen as a very positive step towards allaying the difficulties and concerns currently faced by Australians living overseas. Currently, Australians living overseas have to turn to a myriad of different Government agencies and departments in managing both their life abroad and their interests in Australia, for example, Immigration for citizenship matters, Taxation for taxation and superannuation matters, Foreign Affairs, Trade and so on. At the same time, departmental officers in Australia, dealing mainly with Australian residents, sometimes do not appreciate the particular problems of expatriates. An Advisory Council could provide valuable liaison between the various departments and agencies, as well as advise the Government on any legislative changes that would facilitate matters for expatriate citizens.

In some respects existing Australian parallels for this would be The Aboriginal and Torres Strait Islander Commission and the Council for Multicultural Australia.

- It would give a focus and an identity to Australian expatriates in the eyes of “on-shore” Australians, allowing the true benefits brought to Australia by its “off-shore” citizens to be better known and appreciated by the general Australian public. Australian expatriates would no longer be quite so “out of sight, out of mind”.

It would also have the following long-term benefits:

- Improving the situation of Australians abroad by highlighting the need for and helping work towards various bilateral agreements;

- Improving the liaisons between Australia and its overseas citizens;
- Researching the various problems experienced by expatriates, and reporting to the appropriate authorities;
- Examining the feasibility of and the different models for the political representation of Australian expatriates.

VOTING RIGHTS OF FRENCH EXPATRIATES

As well as having their own representative body of delegates defending their interests, French citizens living abroad retain their constitutional right to vote in all normal French and European elections and referenda, according to a few, well-established principles. Below we give a detailed summary of the French situation, in order to give a clear idea of just how enrolment and voting procedures work in this specific situation.

A Constitutional Right to Vote for All Citizens

Under the French Constitution, the right to vote is derived from citizenship not from residence. Thus **French citizens cannot lose their right to vote by going abroad** for any reason or for any length of time. Voters are simply defined as “all French citizens of both sexes who have reached the age of 18 years, and having the benefit of their civil and political rights”.³⁴ This is in strong contrast with Australia’s approach, where fairly complicated rules operate to effectively disenfranchise many Australians living abroad³⁵.

Enrolment for Overseas Citizens

Under the French Electoral Code, it is compulsory to be registered on an electoral roll in order to be able to vote, although voting itself is not compulsory in France. A person can be enrolled in a municipality if they have resided in that municipality for at least six months. But even when a citizen living permanently outside France cannot fulfil this requirement, as long as they are registered at their nearest French consulate, then they can request to be enrolled in any one of the following municipalities: the municipality of their birth; the municipality of their last official domicile; the municipality of their last place of residence, on condition that this residence was for six months at least; the municipality where one of their ascendants was born, or is or was registered on the electoral roll; or the municipality where one of their first degree descendants is registered. Wives and husbands can be enrolled in the municipality of their spouse, by virtue of their marriage. There are even special

³⁴ French Constitution of 1958, as updated in 1992, Article 3, Section 4. Translation into English by Janet Magnin.

³⁵ See the SCG’s submission to the JSCEM of 12 July 2002, available at <http://www.southern-cross-group.org/archives>.

provisions for persons who cannot even fulfil one of these requirements, such as merchant seamen, nomads, etc. Thus it can be seen that considerable efforts are made under the French system to ensure that none of its citizens inadvertently lose their constitutional right to vote, **no matter where they live**.

Failing to Vote Does Not Lead to Removal from the Roll

Since voting is not compulsory in France, a person cannot be removed from the electoral roll simply for not having voted. The only reasons for which a person can be removed from the electoral roll are death, irregular enrolment (eg, enrolled in two places) or having been deprived of one's right to vote (for example, by a legal judgment or due to being of unsound mind).

In Australia, by contrast, an Eligible Overseas Elector (or any other overseas Australian citizen who is still on the electoral roll) who misses voting in one Federal Election may well find themselves removed from the electoral roll as a consequence, resulting in their permanent disenfranchisement while they remain overseas, even despite the fact that voting is currently not compulsory for Australians overseas.³⁶

Enrolment from Overseas Possible any Number of Years after Leaving France

A French citizen living abroad for any length of time can be enrolled (or re-enrolled) according to the same rules applying to citizens living in France. Generally, French citizens are automatically enrolled on their 18th birthday, but enrolment can take place during certain periods (generally between 1 September and 31 December of any year), and for certain categories of citizen (newly naturalized, for example) at any time. Enrolment comes into effect on 15 April the following year. Although these dates may appear to be rigid, they are well known in advance, and also, in France, elections are programmed years in advance, as Parliaments are for fixed terms under the Constitution.

By contrast, Australians living overseas lose their right to enrol from abroad within two years of leaving Australia.

Registration at Overseas Missions Encouraged

French citizens living abroad are strongly encouraged to register at their nearest French embassy or consulate, even though this is not compulsory. This allows them to vote directly at the embassy or consulate in Presidential and European elections and referenda, if their embassy/consulate is established as a polling station, and to vote for the members of the High Council for French Expatriates (see above). They can (in fact, they are encouraged) to be both registered at their embassy or

³⁶ See the Southern Cross Group's Primary Submission to the JSCEM of 12 July 2002 in this Inquiry, page 24 and following.

consulate and enrolled in a municipality in France, in order to be able to vote in all elections.

Voting

French citizens abroad, either short or long term, have a number of possibilities for exercising their right to vote, although not all are available for all elections or for all electors.

If a French citizen who is normally resident abroad is only enrolled in a municipality in France, they can vote by proxy or in person (in their municipality) in all French elections (Presidential, European, parliamentary, regional, cantonal and municipal) and referenda. However, they cannot vote at their embassy, nor can they vote for delegates to the High Council for French Expatriates.

If a French citizen who is normally resident abroad is only registered at their nearest embassy, they can vote at the embassy for Presidential and European elections and referenda, if a polling station has been established there, and for members of the High Council for French Expatriates. However, they cannot vote in other French elections (parliamentary, regional, cantonal or municipal).

If a French citizen who is normally resident abroad is both registered at their embassy and enrolled in a municipality in France, they can vote at their nearest embassy for Presidential and European elections and referenda, if a polling station has been established there, and for members of the High Council for French Expatriates. For other elections in France (parliamentary, regional, cantonal and municipal), they can vote by proxy or in person.

While double registration, both in France and at the closest embassy or consulate, is recommended by the French Ministry of Foreign Affairs³⁷ so that citizens can vote in all elections, voting twice in the same election is not possible. Registration at an embassy or consulate prohibits personal voting in France for presidential and European elections and referenda.

Voting by Proxy

Voting by proxy is an established practice in France. It can be requested by any voter who has an accepted reason to be absent from his residence on election day. Being abroad, for any length of time, is an accepted reason. The only restriction is that the person asked to vote in the voter's place (their proxy) must be enrolled in the same municipality as they are, and the proxy must be organised prior to polling day.

³⁷ <http://www.diplomatie.gouv.fr/etrangers/vivre/elections/index.html#3> (in French)

Abroad, proxy votes are drawn up at a consulate, and may be arranged for one poll only, or for a year on presentation of an identification document. They should be organised at least two to three weeks before an election to take into account the postal delivery delay. Proxies can be arranged for a longer period (up to three years) but these are restricted to French citizens living abroad who regularly register at the consulate.

ASPECTS OF EVERYDAY LIFE

French Expatriates Abroad Centre

The Ministry for Foreign Affairs has created the French Expatriates Abroad Centre (the *Maison des Français de l'Étranger* or MFE), which deals with the following topics for expatriates:

- Foreign Affairs,
- Citizens' Formalities,
- Employment,
- Labour,
- French Expatriates Abroad.³⁸

On its website, it publishes a guide for expatriates or prospective expatriates (which can be viewed, downloaded or ordered), plus useful information sheets, contacts and links.

The Southern Cross Group, in its submission to the Department of Immigration's 8 June 2001 discussion paper on dual citizenship, argued for the creation of a website dedicated to grouping information relevant to expatriates.

The Social Security Fund for French Expatriates

French citizens living abroad can continue to benefit from the French social security system by contributing to a fund created especially for them, the *Caisse des Français de l'Étranger* (CFE)³⁹. Reimbursement is based on French rates, so in countries where medical expenses are greater, expatriates are advised to contribute to a complementary fund. There are no restrictions on the length of time spent abroad.

³⁸ See <http://lessites.service-public.fr/cgi-bin/annusite/annusite.fcgi/nat6?lang=uk&orga=487> in English, or <http://www.mfe.org/Default.asp> in French.

³⁹ The CFE website is only available in French <http://www.cfe.fr>

EDUCATION: SCHOOLING AND TRAINING

The Agency for French Teaching Abroad

French citizens living abroad who desire that their children continue the same French school program that they would follow if they were still living in metropolitan France have at their disposal some **400 French schools** in 125 countries around the world, at all levels from pre-school to the *baccalauréat* (end of high school/university entrance exam), under the aegis of the Agency for French Teaching Abroad (AEFE)⁴⁰. These schools are officially recognised and approved by the French Ministry of Education to teach the official, French programs, according to the same educational principles and organization, and leading to the award of the same certificates as in France. In addition, many of the teachers are seconded from France. A subject with not enough students to form a class can still be taught, by correspondence through the *Centre National d'Enseignement à Distance* (National Centre for Distance Learning – more about this below) with a school-appointed tutor to help. The AEFE provides financial support to many of these schools and even offers scholarships to children whose families cannot afford to pay the required school fees and other expenses.

The French National Centre for Distance Learning

The children of expatriates who happen not to live near a French school can still follow a normal French schooling through the CNED, the *Centre National d'Enseignement à Distance* (National Centre for Distance Learning, a public education establishment under the authority of the French Ministry of Education)⁴¹, no matter how long they spend away from France. While the majority of the CNED's 350,000 students are adults living in France completing tertiary or professional qualifications, about 37,000 students live in some 204 countries around the world. As well as providing schooling and training, the CNED sees the importance of its role in the growing globalisation of exchanges and the use of new distance learning technologies. **Enrolment is available to citizens of any nationality living anywhere in the world**, and the only restriction is the student's eligibility to enrol in certain courses. In comparison, public distance education for Australians is only available for those "temporarily" overseas.

Thus, the children of French expatriates can, if they wish, retain the vital link of their initial education in the language and culture of their origins, facilitating their return to

⁴⁰ By way of example, see <http://www.consulfrance-sydney.org/presence/pages/ecoles.en.htm> for a list and description in English of the French schools established in Australia. General information about the AEFE is available in French at <http://www.aefe.diplomatie.fr/aefe/texte.nsf/pageaccueil?readform> and in English at <http://www.lyceegionoturin.it/aeфеeng.htm>.

⁴¹ Information about the CNED is available in English on the site of the International Centre for Distance Learning: http://www-icdl.open.ac.uk/instResult.ihtml?inst_id=853&p=1. The CNED's own website is at <http://www.cned.fr/index4.htm> but is only available in French.

France for tertiary study or work in their future life as adults. At the same time, they have gained an appreciation of the culture of their host country and an awareness and understanding of the wider world at large.

Representation on peak bodies

French expatriates are directly represented on the following boards through their High Council delegates.

- The National Study Grants Commission
- The Standing Committee for Employment and Vocational Training for French Expatriates,
- The National Association of French Schools Abroad

LEGAL AID

The National Legal Aid Council

Expatriates are also represented on this council.

FRENCH INTERNATIONAL NETWORKS

Through its long history of looking and moving out into the wider world, French expatriates have the benefit of different “networks” that can assist them in various ways in their life abroad. These may be public or private, but in the latter case, they operate with full Government support at all levels.

BUSINESS

The French Trade Office

The French Trade Office is the commercial department of the French Embassy and brings its support to French companies wishing to export or invest abroad. Through its website ⁴², it offers information on the various trade sectors of markets around the world. Each local service keeps up-dated directories of importers interested in French offers, the details of which can be consulted on the website. Upon the request of companies, it proceeds with the search for specific buyers or local partners and arranges prospecting missions.

The Union of French Chambers of Commerce and Industry Abroad

⁴² www.dree.org

French companies and individuals doing business around the world also have at their disposal a private network called the Union of French Chambers of Commerce and Industry Abroad (UCCIFE). Begun in 1882, the establishment of these Chambers of Commerce outside France was seen “as an efficient means of French economic expansion”⁴³. Today, there are some 86 chambers in 74 countries, representing some 24,500 companies.

These chambers have three main purposes:

- to serve to create a forum for contact and communication and to represent business interests,
- to foster mutual understanding and to promote the image of France abroad, and
- to provide companies with relevant assistance and services.

Although the Union is private, it was established and operates with the full support of the French Trade Ministry. The Chambers of Commerce abroad also remain close to the 183 Chambers of Commerce and Industry in France, with whom they work to reinforce the French presence in overseas markets. Associated companies are involved in various sectors of activity – industrial, commercial and financial – and may be concerned with importing, exporting and/or investment.

LANGUAGE, CULTURE AND TOURISM

Various international cultural networks exist around the world, but although many expatriates work with them, their activities are directed primarily towards reaching out into the wider community around them, and are less directly concerned with assisting expatriates. However, they do offer informal support networks to expatriates, and we list some of them here for information.

French Language Institutes

French is taught throughout the world through a highly developed network of specialised centres. Some of these are directly dependent on the French Ministry of Foreign Affairs (150 "**Instituts Français**" in more than 50 countries) and others come under its statutory control ("**Alliance Française**" in 135 countries).

In Australia, the **Alliance Française**⁴⁴ network is perhaps the best known, the Sydney branch being created in 1885. It is primarily concerned with offering French language courses and certification, but is also a cultural centre, a multimedia library,

⁴³ For more information in English: <http://www.uccife.org/en/index.htm>

⁴⁴ By way of example, the website of the Alliance Française of Sydney has a short introduction on “What is the Alliance Française?” at <http://www.alliancefrancaisesydney.com.au>. The range of activities undertaken can also be appreciated from the articles and links provided on this page.

and a bookshop. It is “dedicated to promoting French language and culture and to establishing friendly relationships between Francophones and Francophiles”⁴⁵.

French Cultural Networks

There are a number of specialised networks working to develop French culture on an international level. These include the French Association for Artistic Action (*Association Française d'Action Artistique* – AFAA – under the aegis of the Ministry for Foreign Affairs)⁴⁶ ; and the Association for the Dissemination of French Thought (*Association pour la diffusion de la pensée française* – ADPF)⁴⁷, also under the Ministry for Foreign Affairs. French artists working around the world can thus remain in contact with France and have an international influence at the same time.

The French Tourist Bureau

Created in 1987 and placed under the authority of the Minister for Tourism, the role of *Maison de la France* or French Tourist Bureau is to promote France as a tourist destination⁴⁸. There are thirty-three offices set up in 28 countries around the world, responsible for the promotion of France within the travel industry⁴⁹.

CONCLUSION

Thus, in conclusion, it can be seen that French citizens living outside France, far from being “out of sight, out of mind”, enjoy a high level of interest and protection on the part of their “home” country. While many of the structures in place have developed for historical reasons, some of these elements, such as a register of Australians living abroad, and a website grouping information of importance to expatriates, could be introduced in the Australian context fairly quickly and with little difficulty. Other elements such as the Advisory Council for Expatriates could be introduced as a temporary appointed Council in the first place in order to organise an elected Council in the future.

It is vital to Australia’s interests that the huge number of Australians living beyond Australia’s borders be harnessed quickly, in order for Australia’s international stature to continue to grow and for Australia to gain the benefit of all her citizens. Australia must “connect up” to its overseas network (which is already in place) in order to become an even more effective performer on the world stage.

⁴⁵ From the website of the Alliance Française of Sydney: <http://www.alliancefrancaisesydney.com.au>

⁴⁶ <http://www.afa.asso.fr> (Only in French)

⁴⁷ <http://www.adpf.asso.fr> (Only in French)

⁴⁸ A good idea of the activities proposed can be gained by checking the site directed to Australian visitors at <http://www.franceguide.com/home.asp?z1=H4mQ2X21Raw5jQoUBpPAP78j>

⁴⁹ The detailed overall structure of the bureau is described at <http://www.franceguide.com/mieuxconnaitre/qui.asp?z1=H4mQ2X21Raw5jQoUBpPAP78j>

HIGH COUNCIL FOR FRENCH EXPATRIATES

www.csfe.org

French people living abroad — 1 900 000 expatriates — form an important population sub-group, as large as the population of the Bouches-du-Rhône or of the four Overseas Departments taken together.

The CSFE is the representative assembly of these French people settled abroad. Its aim is to enable them to take part in the life of the nation and make themselves heard, despite the distance separating them from France. **Delegates to the CSFE represent these French expatriates in official bodies and defend their interests.**

BACKGROUND

The political representation of French persons living abroad, whether in the former colonies or foreign countries, is a problem as old as the representation of metropolitan French citizens. The issue of citizenship arose as far back as the convening of the **Estates General in 1789** when the validity of the **17 elected, appointed or self-proclaimed deputies** from abroad was examined.

The **Constitution of 27 October 1946** (IVth Republic) stipulated that the new Parliament would comprise a National Assembly and a "Council of the Republic" (as the Senate was named until 1958) within which "the French of the exterior" would be represented. The National Assembly had the task of deciding what shape this representation would take. It decreed, in a **resolution dated 13 December 1946**, that **three "Councillor of the Republic" seats** (out of 320) would go to personalities representing our compatriots living in Europe, America and Asia-Oceania respectively. Special provisions accorded a large place to elected officials from the colonies and French protectorates in Africa.

French expatriates had, in addition, been represented in Paris, for twenty or more years, by four important bodies grouping the active elements of France's presence abroad. They were: the Union of French Chambers of Commerce Abroad, the French Overseas Teachers Association, the Non-Resident French War Veterans Federation, and the Overseas French Union (*Union des Français de l'étranger*, UFE), founded in 1927. The four bodies claimed the right, at least, to present their National Assembly candidates at the time Councillors of the Republic were designated, and asked in particular that French citizens genuinely living abroad be able to make their voices heard. They suggested, therefore, that a "high council", made up mostly of overseas French elected officials, be created by the Ministry of Foreign Affairs.

This claim was favourably received by the then Prime Minister, Robert Schuman, and his Foreign Minister, Georges Bidault. **On 7 July 1948**, they signed a **Decree setting up the High Council for French Expatriates.**

The first High Council was composed of 55 members: 8 ex officio members (the three Senator-Councillors of the Republic, the president and director of the UFE, the presidents of the Chambers of Commerce, of the Teachers Association and of the Veterans Federation), **42 elected officials, and 5 members nominated** by the Ministry of Foreign Affairs, "chosen from among French personalities with recognised competence in matters concerning the general interests of France abroad".

In Spring 1950, the first CSFE elections were held in seventy countries of Europe, America, Asia and Oceania, according to a protocol defined in a Ministerial Decree dated 10 December 1949 and signed by Robert Schuman. Two ideas lay at the heart of the Decree: first, to gain a more accurate notion of our compatriots' identity by requiring them to register in their Consulates; second, to encourage them to rally together by inducing them to join an association or French "body" and so obtain voting rights. These two conditions and the electoral system introduced remained in force until 1982.

The elections took place in two stages. Within the associations, each recognised body appointed delegates as follows: one for under 50 members; two for 50-100 members; one more for every hundred and fraction of a hundred members. The electoral college so constituted then elected one or more representatives to the CSFE using the same procedure as the Senatorial colleges in France: direct majority in the first round, plurality in the second.

Article 24 of the Constitution of 25 September 1958 states, "French nationals settled outside France shall be represented in the Senate." Two Executive Orders were issued, on 15 November 1958 and 4 February 1959 respectively, for organising this representation and providing the CSFE with new statutes. The CSFE, while retaining its advisory role, became the sole electoral college for electing **Senators from abroad**. Their number was **increased from three to six**, two representing Europe and America, one representing Asia-Oceania and three representing Africa, which made its entry into the CSFE. It was thus divided into three sections for the Senatorial elections of 23 April 1959. The CSFE had **84 elected members** at the time, but it had become clear that Europe and America were under-represented by comparison with Africa. For the 1962 elections, the number of Senators was therefore brought up to nine.

In 1982, after the creation of the Democratic Association of French Citizens Abroad (*Association Démocratique des Français à l'Étranger* - ADFE) in 1980, **the CSFE was reconstituted**, assuming the organisation and operating system that it has today. **The Act of 7 June 1982 instituted the election by universal suffrage of Delegates to the CSFE**, which (with the exception of twenty-one members chosen for their competence but not having Senatorial voting rights) was no longer composed of appointed personalities, and **the election of twelve Senators by the elected members only** of the CSFE.

ORGANISATION

A. Composition of the CSFE

The CSFE, presided over *ex officio* by the Minister of Foreign Affairs, is composed of:

- One hundred and fifty members (Delegates or Councillors) elected by direct universal suffrage by the French communities abroad. All registered French expatriates, except those who expressly refuse, automatically figure on the CSFE voting centre lists

Delegates are elected for a six-year term. Half of the electoral college is renewed every three years. Series A (77 seats) comprises the circumscriptions of America (30 Delegates) and Africa (47 Delegates); series B (73 seats) the circumscriptions of Europe (52 Delegates), Asia-Oceania and the Levant (21 Delegates). The next elections will be held in 2003 for series A, and in 2006 for series B.

There are 48 electoral districts, with one or more Delegates per district. A country may have several electoral districts, just as an electoral district may cover several countries. The Act lays down the number of seats per electoral district and names its chief town.

- Twelve Senators representing French expatriates, elected one-third at a time for nine-year terms by the 150 elected members of the CSFE.
- Twenty personalities appointed by the French Minister of Foreign Affairs for six-year terms "by reason of their competence in matters concerning the general interests of France abroad". They are renewed one-half at a time every three years. They include a representative of the French persons settled in the Principality of Andorra, appointed by the French Minister of Foreign Affairs for a six-year term.

B. Structure of the CSFE

President: The CSFE is entrusted by law with the task of advising the Cabinet. The Minister of Foreign Affairs defines the objectives and priorities of the assembly which he chairs.

Vice-Presidents: The President is flanked by three Vice-Presidents elected by the plenary assembly. The first among them coordinates the college which they form. The mission assigned to the college of Vice-Presidents is one of reflection, proposition, organisation and communication.

The **Senators** transmit to the Senate, the National Assembly and the Economic and Social Council the propositions, motions, resolutions and wishes expressed. The

twelve Senators, *ex officio* members of the CSFE, can introduce Bills or legislative amendments reflecting the hopes and needs of French people living around the world.

The primary role of the **elected councillors** is to represent French expatriates. The councillors' knowledge of local conditions provides the whole Council with the information needed for it to carry out its task.

The **appointed councillors** are designated by the French Minister of Foreign Affairs on the basis of their particular qualifications.

The members of the Council may form **political groups**. At present, there are four of these: ADFE (63 members), *Union des démocrates, indépendants et libéraux* - UDIL (51), *Rassemblement pour la République* - RPR [1] (34) and *Rassemblement des Français de l'étranger* - RFE [2] (29). A minimum of 18 members is required to form a group.

C. **Bodies of the CSFE**

The **college of Vice-Presidents** (or conference of Vice-Presidents) enacts the work of the Council and reports back to the President.

The **plenary assembly**, attended by the *ex officio* members, the appointed members and the elected members, meets once a year in Paris at the beginning of September.

The **permanent bureau**, made up of the President, the three Vice-Presidents, and fifteen members elected by the plenary assembly, ensures working continuity between sessions. It meets four times a year, usually in February, May, September and December.

Members are divided among specialised committees which prepare reports for submission to the plenary assembly. It is compulsory for each member to belong to a standing committee, and one only. There are at present four **standing committees**:

- the social affairs committee (41 members)
- the economic, fiscal and customs affairs committee (44 members)
- the education, culture and information committee (50 members)
- the committee for French expatriates' representation and rights (48 members).

The CSFE also has lighter structures with limited life spans which are easily mobilised according to the needs of the moment. This is the case with the **temporary committees**, currently three in number:

- the war veterans temporary committee (created in 1991, 32 members)
- the employment and vocational training temporary committee (September 2000, 25 members)
- the CSFE reform temporary committee (September 2000, 25 members)

Ad hoc **working groups** can be formed as the need arises. (There are currently a "new technology" group and an "insurance for despoiled expatriates" group).

III. ROLE OF CSFE MEMBERS

A. The CSFE exercises real political authority at the moment when **Senators representing French people abroad are elected**.

B. Elected CSFE members can **sponsor a candidate for the French presidential elections**.

C. The CSFE is "**called upon to give the Cabinet opinions on matters and projects of concern to French expatriates, and on developing France's presence abroad**". They are not prior opinions, however. The CSFE could rather be said to fulfil the role of a specialised Economic and Social Council. The Cabinet may consult it, or it may intervene at its own initiative. CSFE members, as elected representatives of the various French communities abroad, are concerned **to defend the interests of French expatriates**. They study matters relating to the education of French people abroad, their rights, their social situation, their economic and taxation problems. They express **wishes**, issue **opinions** and submit **motions** for guiding government action. At plenary assembly and permanent bureau meetings, they solicit the government's attention through **written and oral questions**.

The CSFE may use **background studies** to inform the French authorities on specific problems (education, law, social affairs, foreign trade, taxation, etc.) affecting the interests of French expatriates).

D. Representation at national level

CSFE members elect two persons representing the French abroad to the **Economic and Social Council**. They choose from among themselves five administrators for the **Caisse des Français de l'étranger** (Social Security Fund for French Expatriates) and fifteen administrators to represent persons insured with the Fund.

They have seats also in numerous other public bodies:

- 1 representative on the board of administration of the *Agence pour l'enseignement français à l'étranger* - **AEFE (Agency for French Teaching Abroad)**
- 2 representatives on the *Commission nationale des bourses* (**National Study Grants Commission**)
- 2 representatives on the **Standing Committee for Employment and Vocational Training for French Expatriates**
- 1 representative on the *Conseil national de l'aide juridique* (**National Legal Aid Council**)
- 1 representative on the *Conseil départemental de l'accès aux droits de Paris* (**Paris Departmental Rights Entitlement Council**)
- 3 representatives on the *Conseil pour la protection sociale des Français de l'étranger* (**Council for the Social Protection of French Expatriates**) housed by the Ministry of Foreign Affairs
- the three CSFE Vice-Presidents are *ex officio* members of the *Association Nationale des Écoles Françaises à l'étranger* (**National Association of French Schools Abroad**).

E. Representation on local committees

The Delegates, in permanent contact with the accredited French authorities in their country of residence, are **ex officio members of the consular bodies** competent in the fields of employment and vocational training, welfare action and protection, and study grants. They have two representatives on **each administrative committee sitting in the voting centres** set up for the Presidential election, European Parliament elections and referendums.

They can, moreover, be **consulted** by the heads of diplomatic and consular posts on all **general matters** of concern to the French nationals in their electoral district.

[1] "Rally for the Republic"

[2] "French Expatriates Alliance"