

POLICY BRIEF

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CONSULAR CONUNDRUM: THE RISING DEMANDS AND DIMINISHING MEANS FOR ASSISTING AUSTRALIANS OVERSEAS

WHAT IS THE PROBLEM?

The demands on Australia's consular service are growing. Huge numbers of Australians are travelling overseas every year, and the expectations of what the Australian government can or should do for them when they find themselves in distress are rising, driven by media and public pressure and, on occasion, by political expediency. This comes at a time when the Department of Foreign Affairs and Trade is under strain from decades of under-resourcing and political neglect. As a result, DFAT struggles to balance consular work with other key priorities.

WHAT SHOULD BE DONE?

Government must find a substantial, permanent and dedicated source of additional funding to properly support DFAT's consular work, allowing the Department to balance its priorities. At a minimum, government should allow DFAT to retain the money it currently earns from notarial services to supplement consular funding. But the government should also impose a consular fee on the cost of a passport or airfare. As a quid pro quo for this funding boost, DFAT should examine its ageing structures and processes to enhance all of its operations, including its consular function. Finally, ministers, elected representatives and DFAT should intensify efforts to manage public and media expectations about the services the government can provide in consular cases.



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In 2009, a thirty-something Melbourne mother of four travelled to Phuket, one of 600,000-odd Australian tourists seeking sun and entertainment every year in Thailand.¹ In a drunken prank at the ‘Aussie Bar’, the woman’s friends took a 1.6m long bar mat and stuffed it in her handbag. After altercations with the police and bar owner, the woman found herself in a Thai jail charged with theft, becoming one of 1,019 Australians arrested overseas that year.² She demanded the Australian government help secure her release. Her husband criticised its response as being ‘nowhere near good enough.’³

A day after her release, former Foreign Minister Alexander Downer fired off a sharply-worded column in the Adelaide *Advertiser* reprimanding Australian tourists who behave badly overseas, yet demand personal assistance at the highest levels of their government when they get into trouble. ‘It’s about time’, Downer thundered, ‘that great nanny in Canberra, the Federal Government, turned around and told people they are responsible for their own decisions.’⁴

As Shadow Minister in the 1990s, Downer had been critical of what he saw as the then Labor government’s lax response to a series of high-profile and very serious consular cases, such as the murder of David Wilson in Cambodia in 1994.⁵ When he became Minister, Downer placed a high priority on improving the government’s consular response, but his more recent criticism of the bar mat incident raises an important question about what level of support governments should be providing to Australians overseas.

Servicing the consular needs of Australians travelling overseas is a core function of Australia’s Department of Foreign Affairs and Trade (DFAT). Some of the work is routine, like issuing emergency passports or witnessing documents. But some of it is harrowing and demanding: it can involve assisting the relatives of a young Australian killed in a road accident, or keeping watch over a corpse after a plane crash in the jungle. And as underscored by the recent case of ‘Prisoner X’, in which a dual Australian-Israeli citizen committed suicide in an Israeli prison, consular cases can also be highly complex and politically sensitive.

But whether routine or harrowing, simple or complex, the amount of consular work being done by Australia’s diplomats overseas has grown significantly in recent years. More Australians than ever are travelling overseas. The types of travellers, the places they go and the things they do once they get there also contribute to this increasing consular workload. And when Australians do get into trouble, the intense media and political attention that accompanies the more prominent cases places even greater pressure on Australia’s consular services.

This comes at a time when DFAT has been stretched to the limit by decades of competing demands and under-resourcing. In 2005 Hugh White argued in a Lowy Institute Policy Brief *Looking after Australians overseas* that the Department’s heavy consular load often distorts its work overall, taking time and resources from other priorities, many of which are as critical to Australia’s national interests as helping distressed Australians overseas.⁶ Many of the problems Professor White identified in 2005 have worsened. The goal of this Policy

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Brief is to identify a number of measures that will help DFAT manage Australia's consular conundrum, not least to ensure that Australia's foreign service is able to pursue all of its important responsibilities, and not just those related to Australians travelling overseas.

A global stampede: new types of travellers in record numbers

Australians made over 8 million trips overseas in 2012, a number which has more than doubled in the last decade.⁷ Cheaper airline tickets, and more recently a strong Australian dollar, have contributed to this massive increase in international travel. Almost half the Australian population hold passports, and over 1.7 million Australian passports were issued in 2012 alone.⁸

Unsurprisingly, the increasing number of travellers has coincided with a more than doubling in arrests, deaths and hospitalisations of Australian travellers over the last decade.⁹ The profile of the typical Australian traveller has also changed, as have their destinations and the activities they pursue abroad – all of which has significantly expanded the consular workload.¹⁰ The number of Australian travellers under 25 has more than doubled in the last decade, and the number of over-55s has tripled.¹¹ Inexperienced younger travellers are more likely to get into legal or financial trouble. Older travellers are more likely to face health problems.¹²

Adventure travel and extreme sports tourism that are more likely to cause injury or death are becoming more common. Travellers are visiting more exotic, unusual, geographically remote,

and sometimes politically unstable destinations.¹³ The fastest-growing destinations, such as India, Sri Lanka, Thailand, Indonesia, Vietnam and China are also places where consular work can be more challenging because of fewer and less sophisticated local services.

Cheap international airfares have facilitated travel by those with more limited financial means and who are more likely to need greater support if they get into distress. More people with mental illnesses and travellers on one-way tickets are also heading overseas.¹⁴ DFAT currently allocates around half a million dollars annually for emergency travellers' loans for Australian tourists who run out of money and have exhausted all other means of surviving or returning to Australia.¹⁵

In an average year, DFAT provides general welfare and guidance in over 20,000 consular cases.¹⁶ According to experienced consular officials, these cases are becoming increasingly complex and demanding.

In addition to its growing workload, DFAT has also managed a series of major consular crises in the last decade. It coordinated an immense medical evacuation and responded to 30,000 calls for information and assistance in response to the 2002 Bali bombings which killed 88 Australians and injured many more.¹⁷ The Boxing Day tsunami in 2004 posed an even greater challenge, affecting 15,000 Australians across six countries.¹⁸ Five thousand Australians were evacuated from Lebanon in 2006, including more than 4,500 who were brought directly to Australia.¹⁹ Terrorist attacks in Mumbai in 2010, popular uprisings in the Middle East in 2011, together with earthquakes in New Zealand and the 2011 tsunami and

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nuclear disaster in Japan were just the latest in a devastating series of crises to push the consular service to its limits.

Rising expectations and political intervention: the vicious consular cycle

While there is a huge range in the type and seriousness of consular cases, some fundamental trends are nonetheless evident: expectations of what our diplomats can or should do for distressed travellers overseas are climbing, and in some cases becoming more unrealistic. Most foreign ministries can cite numerous examples of consular requests that illustrate a rising degree of unreasonable reliance on government to solve petty consular problems – some even publish them on their website.²⁰

Requests and queries received by DFAT's consular emergency service:²¹

- “Could DFAT feed my dogs while I’m away?”
- “Will the sand in Egypt upset my asthma?”
- “How much spending money should my cousin bring with him on his visit to Australia?”
- “My daughter has been offered a job in Thailand. Do you keep statistics on average expat salaries in Thailand?”
- “I haven’t heard from my friend for 3 years, I’m worried about him and I also want his motor cycle out of my garage”

Age and experience, among a range of factors, will have an impact on how a traveller deals with crises or responds to unexpected problems. What may seem trivial for some travellers might appear extremely daunting for

others. Many travellers do cope with difficulties overseas, often without seeking government help. But anecdotal evidence also points to a growing sense of entitlement among some travellers. One couple, for example, about to board a government-chartered evacuation flight from Cairo in 2011, asked consular officials if they would receive frequent flyer points for their free flight.²² The fact that fewer Australians take out travel insurance than travellers from comparable countries also suggests that the issue of personal responsibility does need to be addressed.²³ The growing incidence of Australians overseas demanding that government intervene in their cases no matter how trivial, foolhardy or avoidable their predicament, would seem at odds with a national culture that prides itself on resilience and resourcefulness.

This sense of entitlement is also evident in more highly-politicised cases. For example, supporters of Julian Assange have railed against the Australian government over purported failures to provide adequate consular assistance. Yet the Department has maintained regular contact with his lawyers and consular officials have attended all of his court appearances.²⁴

The problem is compounded by the fact that successive Australian governments have progressively ‘bid up’ the servicing of consular cases over the last two decades. In some instances, genuinely difficult circumstances have induced a particular reaction by government and created a new norm for consular service that is difficult to sustain. For example, following the effective responses to the Bali bombings and the Lebanon crisis, the Gillard government buckled to public pressure

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to provide government airlifts during the Bangkok airport protests, in circumstances where travellers were inconvenienced but not in danger.²⁵ During the mass protests and violence in Cairo in early 2011, the government anticipated public demand in the face of a volatile situation and offered ‘a jumbo a day for as long as it’s needed’ to bring Australian tourists home.²⁶ These episodes potentially create a ‘moral hazard’ by discouraging Australians from assuming personal responsibility and making their own arrangements to leave danger zones early, in the expectation that they will be rescued expeditiously by their government should trouble arise.²⁷

It is much less defensible, however, when these rising expectations are created not by crises over which governments have no control, but by acts of political expediency, driven by sometimes hyperbolic media attention given to particular consular incidents. This becomes a vicious cycle: public expectations, already high and sometimes unrealistic, are stoked by political acts that override departmental protocols and service charters to provide ever-increasing levels of consular service.

Successive governments have succumbed to this temptation. In 1996, Alexander Downer inherited the case of the Gillespie children who were abducted by their father, a Malaysian prince, on an access visit.²⁸ Having been critical of the former Labor government’s handling of consular matters, Downer became personally involved in the case to the extent that he carried gifts from mother to children in Malaysia.²⁹ In late 2011, when a 14-year old Australian boy (dubbed by the media ‘the Bali boy’) was arrested in Bali for buying a small

amount of marijuana in a street deal in Kuta, the Foreign Minister, responding to intense media coverage, became heavily involved and the Prime Minister personally interceded to speak to the boy on the telephone.³⁰ This type of high-level political intervention is clearly unsustainable.

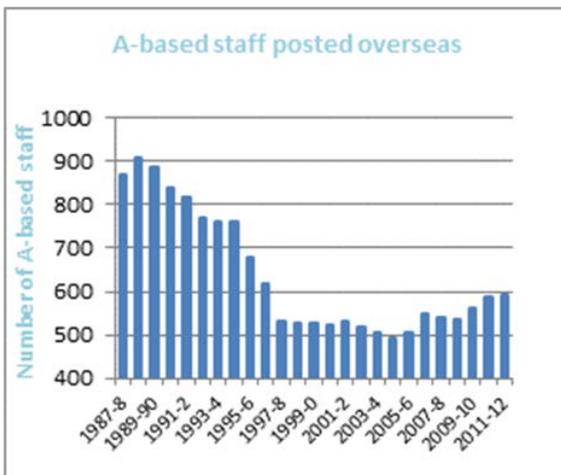
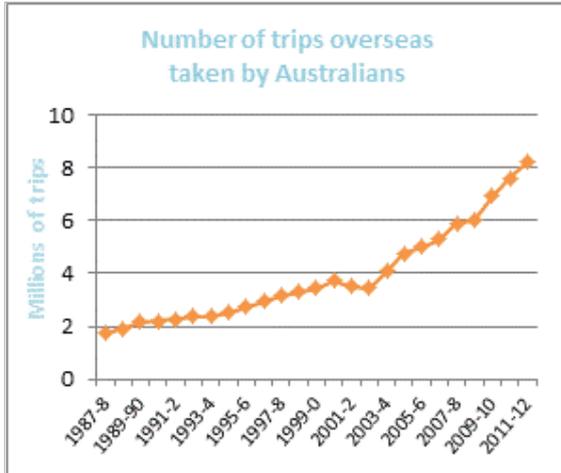
The story of Australian ICC lawyer Melinda Taylor, detained by Libyan militia in June 2012, illustrates other perils inherent in high-level political intervention in consular cases. Taylor’s situation was serious and life-threatening, and warranted the Minister’s involvement. However, by conducting the campaign for Taylor’s release through the media, via multiple press releases and high-profile interviews, the Minister raised expectations about his involvement in future cases. It should have been no surprise that when Alexandra Bean found herself unwittingly entangled in a political scandal in Tripoli a few months later and denied her passport by Libyan authorities, she and her family urged Carr to leap on a plane to Libya to negotiate her freedom.³¹ These cases emphasise how ministerial involvement in a consular case can be as much a public-relations trap as an opportunity.

Surging demand, scant resources

The chronic under-resourcing of Australia’s foreign service has made the growing consular load even more unmanageable. With increasingly scant resources, the intensive and unpredictable consular workload threatens other, arguably more important, areas of DFAT’s work, and strains the rational conduct of Australia’s diplomacy.

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Source: ABS and DFAT annual reports.
A-based staff are employed by DFAT and posted overseas.

After Bali and the Asian tsunami, the Howard government announced a one-off \$80m funding injection in 2006 to enhance crisis response capability with new staff and updated systems.³² Since 2006, however, staffing levels have stagnated, with only 15 positions dedicated to consular work across all of Australia’s 95 overseas missions, two positions fewer than there were five years earlier despite the consular workload increasing by 60 per cent over the same period.³³ Other strategies,

like the employment of (far less expensive) local staff in a host country, pose problems. In times of stress in a foreign place, a citizen seeks a familiar face and accent behind the consulate counter, not a locally-employed staff member from the country in which they are experiencing distress.³⁴

The strains on the consular function merely echo those on the entire department. The overseas network – those staff at the frontline of the consular effort when a crisis hits – shrank by over a third between 1987 and 2012. While the government sector as a whole flourished, growing 60 per cent between 1997 and 2012, DFAT staffing remained virtually unchanged. As a proportion of government expenditure, DFAT’s allocation has almost halved over the last decade.³⁵ The budget pressure continues, with the current Foreign Minister insisting that DFAT ‘cannot escape the obligation on all government agencies to deliver efficiencies in the interests of healthy budget outcomes.’³⁶ A further 100-150 staff positions will be cut in 2012-13.³⁷

The net result is that other national priorities are neglected. When consular crises strike, DFAT is forced to manage them by ‘robbing Peter to pay Paul’.³⁸ All of this comes at a time when Australia’s international circumstances are undergoing rapid and profound transformations. Australia is dealing with a rising China and the implications for its relationship with the United States. The global economy is struggling, new international players are emerging, and potential new conflicts are looming in our neighbourhood. Australia has assumed new global responsibilities with a seat on the UN Security Council and chairmanship of the G20 in 2014.

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At a time when DFAT has multiple priorities, the department's responsibilities are being compromised by the diversion of scant resources to consular work.

Solving the problem

The received wisdom among foreign ministries and consular experts is to encourage travellers to assume more responsibility and to 'manage down' their expectations of what their governments will and won't do to assist them when they encounter difficulties overseas.³⁹ There are numerous examples of this in consular 'service charters' and government travel websites.⁴⁰

DFAT has been particularly conscientious in the last few years, revamping its travel website smartraveller.gov.au, starting a new Facebook page, and launching an app for iPhone which simplifies registration of travel plans and allows DFAT to disseminate individualised mobile travel notifications. In this, it is ahead of the UK⁴¹ and most of the world and only months behind the U.S. Department of State in technological innovation.⁴² It has developed a simple communication strategy of 'Register. Subscribe. Insure', and aired it on television to the extent its meagre budget has allowed. It has simplified and streamlined its travel advisories.

The reality is, however, that the bureaucrats' rule-book will continue to be thrown out of the window regularly and haphazardly by governments seeking to display a muscular approach on consular services to impress domestic audiences. Rather than rely entirely on the risk- and expectation-management approach, other solutions need to be found.

Boost funding to relieve stresses on other DFAT functions and resource consular work properly

A quarter of a century of efficiency dividends has exhausted DFAT's ability to find further savings.⁴³ If the Department is to continue to provide, and the Government continues to direct that it provides, the sort of consular service to which Australian citizens have become accustomed, additional funds for those services must be found. These should be raised by:

- imposing a small levy or 'premium' to permanently augment the consular funding pool as recommended in a recent joint parliamentary inquiry.⁴⁴ This should either be levied on the cost of a passport (as was done on a one-off basis in 2006)⁴⁵ or on the cost of an airline ticket. The amount need not be large: the UK already imposes a £15 consular 'premium' on every passport application.⁴⁶ In the Netherlands, every trip booked through a travel agent incurs a small €2.50 fee⁴⁷ which covers the cost of repatriation and holiday losses in a crisis; and
- redirecting revenue back to DFAT from the 180,000-plus notarial services it performs annually in its embassies, consulates and offices. These include witnessing, authenticating and certifying documents, with fees from around \$20 to \$60 for each service. DFAT has no claim on this income despite having generated it: the funds are currently returned to consolidated government revenue. This income should be returned to DFAT in a dedicated stream specifically to bolster funding for consular services.

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A \$20 premium on the cost of a passport, together with the redirection of revenue from notarial services,⁴⁸ will generate an additional \$30-40 million which should be directed to the consular function, funding additional consular staff and relieving pressure on the rest of the department.

Undertake organisational and resourcing innovation

A funding boost alone will not completely resolve DFAT's difficulties in balancing consular with other work priorities. DFAT lingers along with an organisational structure largely unchanged since the merger of Foreign Affairs and Trade in 1987. With the fundamental transformations in the economy, communications and the geopolitical landscape, it is too much to expect that a structure created a quarter of a century ago remains fit for the purpose today – whether that purpose is providing consular assistance or any other of the department's myriad responsibilities.

It is beyond the scope of this paper to examine the broader question of DFAT's funding and overall structure.⁴⁹ There are a range of issues that warrant examination, such as the suitability of the department's current management structure and the high levels of risk aversion that inhibit its ability to capitalise on new avenues for communication and service delivery. In particular, DFAT's over-cautious approach to diplomacy needs an overhaul.⁵⁰

At the very least, the *quid pro quo* for any boost in consular funding should be a critical self-examination of DFAT's consular processes and structures to ensure that existing and any new resources are used to maximum effect. For example, DFAT should re-examine its current

'one size fits all' approach to crisis contingency planning, which wastes resources by not being tailored to the scale and nature of potential crises and risk profile of particular locations.

It should also explore more innovative approaches to the recruitment of consular staff. The U.S. Department of State, for example, is trialling lateral recruiting options for limited non-career consular employees with existing language skills. These offer cost savings both in reducing short-term posting costs (like language training) and lowering the longer-term investment in permanent employees.

To share some of the consular load, Australia already cooperates with Canada in a reciprocal arrangement where each provides certain services to the other's citizens at a limited number of locations. Leaving aside the cases which require individualised attention from Australian consular officers, there are avenues for other types of consular cooperation with Australia's consular partners (New Zealand, Canada, the US and the UK), such as collaboration on emergency evacuations.

Manage expectations

DFAT should continue its efforts to manage public expectations of the services it can and will provide to travellers. In fact, the initial modestly-funded 4-year *smartraveller* campaign should be boosted to give it a far more sustained impact.⁵¹ DFAT needs to communicate more extensively on all available media platforms, and incorporate social media more effectively in its campaigns to reach a younger demographic which is increasingly sourcing information from non-traditional media. It should also undertake a more pointed campaign to encourage Australians to be more

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conscious of the consequences of their behaviour overseas, and to assume more responsibility for their actions.

Since the media is often a contributor to inflated public expectations of government service in consular matters, DFAT should devise specific programs to engage the media on consular issues.

Finally, Ministers and elected representatives need to play a part in managing travellers' expectations, or risk raising them to levels that cannot be met or sustained. Successive governments and foreign ministers have become entangled in a vicious cycle in which they succumb to media pressure and stoke public expectations by over-reaching in high-profile consular cases. This cycle must be broken.

Time to act

DFAT cannot keep cannibalising itself without gravely impairing its ability to serve Australia's foreign policy, economic and strategic interests. Though growth in overseas travel has exploded in 25 years, the department's resourcing has stagnated, its overseas network has shrunk, and the pressures on it continue to mount exponentially. Automation and technological innovation can bring efficiencies and address some shortfalls within bureaucracies⁵² (and not all of the Department's problems result from its under-resourcing) but machines are not people, and consular work is uniquely about people.

The Australian public's perception of the services government can provide overseas has grown to a point where they seem to expect

that the full suite of welfare services will extend to them across the globe no matter where they go or how they behave. Government must address these unrealistic expectations. More importantly, though, it must also address the ability and fitness of DFAT to provide an appropriate level of consular service, without neglecting the other functions that are crucial to the rational and effective management of Australia's international interests.

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⁴¹ See The Rt. Hon. William Hague MP, UK Foreign Secretary, *Looking after our own: strengthening Britain's consular diplomacy*. Speech at the Foreign & Commonwealth Office, 4 April 2012: <http://www.fco.gov.uk/en/news/latest-news/?view=Speech&id=749982782>.

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⁴³ Department of Finance and Deregulation Commonwealth of Australia, *Report of the review of the measures of agency efficiency*, March 2011, p 13; Dennis Richardson, *Estimates (Proof Committee Hansard)*. *Senate Foreign Affairs, Defence and Trade Legislation Committee*, 30 May 2012, p 12.

⁴⁴ Defence and Trade Joint Standing Committee on Foreign Affairs, *Australia's overseas representation - punching below our weight? Report of the Inquiry of the Foreign Affairs Sub-Committee*. October 2012, Recommendation 12, p 72.

⁴⁵ The Hon. Alexander Downer MP, Minister for Foreign Affairs, Overseas consular and crisis

response – strengthening assistance to Australians. 9 May 2006.

⁴⁶ Foreign and Commonwealth Office, *Consular Services annual report 2008/09*. London, FCO, 2009, p 8.

⁴⁷ *Calamity Fund: Guarantee*: <http://www.calamiteitenfonds.nl/calamiteitenfonds/index.asp?uid=2>.

⁴⁸ Costing between \$20 and \$60; estimated to average \$30.

⁴⁹ For a broader discussion see Oliver and Shearer, *Diplomatic disrepair: rebuilding Australia's international policy infrastructure*.

⁵⁰ Fergus Hanson, *A digital DFAT: joining the 21st century*. Sydney, Lowy Institute for International Policy, November 2010.

⁵¹ Minister for Foreign Affairs, *Remarks at launch of Smartraveller III, Sydney International Airport*, 2011.

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