I’m an Australian, get me out of here:  
the high cost of consular support

In August 2011, Foreign Affairs Department head Dennis Richardson delivered an address in Canberra where he discussed some of the major challenges facing the Department of Foreign Affairs and Trade (DFAT), along with likely directions for the future. One of the issues highlighted was the growing strain of providing consular services to Australian expatriates and tourists experiencing difficulty overseas. There were several elements to the problem: firstly, Australians were travelling internationally in ever increasing numbers; secondly, travellers had much higher expectations of DFAT yet often failed to take appropriate precautions; and, thirdly, funding had failed to keep pace with a Department that had expanded into more areas and further corners of the globe.

A department in demand

During his speech, Richardson detailed the breadth of DFAT’s activities, both locally and around the world. It was, he explained, both a “policy department” and a “functional department” which provided politicians, government departments and the public with a wide range of services. In June 2011, DFAT employed some 4100 full and part-time staff across Australia and at approximately 100 overseas missions. DFAT’s many tasks included representing Australia's interests overseas and supplying administrative support for all Australian officials abroad. This could involve: promoting Australia’s image via expositions and cultural or sporting events; working on counterterrorism memoranda of understanding and joint operations with other civil authorities/law enforcement bodies; negotiating trade policy and sanctions; organising events for visiting dignitaries; and managing Australian properties overseas worth more $1.5 billion.

For most Australians, however, involvement with DFAT was focussed on overseas travel. By the end of the 2000s, Australians were making more than seven million international trips each year, double that of a decade ago. A strong Australian dollar, combined with the

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2 ibid.
widespread availability of budget airline travel, prompted numbers to climb. In 2010, DFAT issued more than 1.8 million passports—an increase of 16 percent on the previous two years. Not only were more Australians travelling more frequently, the profile of international travellers was changing too. Increasing numbers of Australians were embarking on their first overseas trips and at younger ages than in decades past. They were also choosing more exotic, far-flung destinations. More people were also heading overseas to pursue work or business interests.

DFAT’s “rescue missions”

More Australians were also finding themselves in trouble. Some got caught up in international events and disasters such as earthquakes, armed conflicts or terrorist attacks but many more encountered problems such as lost passports, accidents or sudden illness. By 2011, DFAT was receiving more than 200,000 requests annually for consular assistance, which amounted to a 50 percent increase over the last five years, and fielding in excess of 600,000 public inquiries. The Department handled more than 20,000 “active” cases per year involving Australians deemed to be in difficulty, up 60 percent in the past five years. Consular assistance could take the form of temporary loans, visiting Australians detained in foreign jails and identifying deceased persons.

While demand for consular assistance was rising, the client base had also become more demanding. Many calls to DFAT concerned requests well beyond the Department’s scope. “Travellers’ expectations of consular services vary widely,” said a senior spokesman for DFAT, Simon Merrifield. “Sometimes [travellers] do not understand the limit of what consular assistance we can provide.” Some travellers contacted DFAT to cover medical expenses or arrange return flights when they ran out of money and wanted to come home. Others expected consulate officials to locate lost luggage, arrange work permits or book sightseeing tours. Part of the problem was the large proportion of people who failed to purchase travel insurance; estimates suggested that one-third of Australians departed the country without cover.

“Consular services should not be viewed as a default for a lack of planning, insurance or commonsense,” said Dr Tony Gheradin, National Medical Adviser to The Travel Doctor: Traveller’s Medical and Vaccination Centre. In his view, people avoided insurance because, “either those travellers don’t even consider risk and insurance, or deem their trip to be ‘safe’...Some people think travel insurance is just about lost tickets or bags and many do not realise it is essential for paying for medical access and hospital care in most countries,” he said. Merrifield concurred with this view, noting that travellers were less likely to buy insurance when travelling to “low-risk” destinations, such as New Zealand, and failed to consider the potential costs if things went wrong. Others believed because they were young and healthy, insurance was unnecessary. But the costs of unforseen mishaps could be

7 Fraser, J. ‘If you go, there's no getting out of jail free’ The Age, 14 July 2011.
8 ibid.
9 ibid.
10 ibid.
enormous. Treating and repatriating an ill Australian could easily cost hundreds of thousands of dollars and bankrupt relatives in the process.

In an effort to increase awareness of what consular officials could and couldn’t do for citizens overseas, DFAT had established the Smart Traveller website (www.smartraveller.gov.au). The department also issued travel advisories concerning specific destinations (Exhibit A). However, many Australians were still dangerously unaware of the potential perils of travelling without insurance and/or assumed that they enjoyed rights and protections overseas similar to those at home. In 2010, DFAT dealt with more than 1000 cases of Australians arrested overseas, some of whom ended up incarcerated. While consular staff could ensure they were given food, medical care and access to representation, they could not pay legal fees or intervene in foreign court processes (Exhibit A).

According to Gheradin, many Australian travellers had the attitude that “someone will look after me if I get into trouble”. This mind-set had, he believed, been fostered by the government’s reaction to major events and disasters in recent years: “These [responses] have been effective and laudable but create an impression in many people’s minds that the Australian government will always respond to crises, big or small,” he said. Richardson acknowledged that the government “clearly has a responsibility to help individuals where they are caught up in circumstances beyond their control”, but stressed that help had its limits. He added: “In a crisis, people and the media understandably look at what different countries are doing. So you almost get yourself into a competitive space, where if Country A is doing more than you, then you have to ask yourself whether you shouldn't be doing the same thing.” An effective response to a crisis only raised the bar even further but a poor one could result in heavy criticism. As Alex Oliver from The Lowy Institute for International Policy wrote:

“...high-profile cases like those of Tony Bullimore, Schapelle Corby and Britt Lapthorne force consular officials to devote a disproportionate amount of time and resources to defuse crises and satisfy the sometimes unrealistic demands of the public and the 24/7 news media agenda. A 2006 conference in Geneva on the challenges confronting foreign ministries found that ‘the reputation of the foreign ministry is … now seen to hinge on the quality of services it provides to its citizens in foreign countries’.”

In his presentation, Richardson recounted some of the more outlandish requests his staff had received. For example, during the Egyptian anti-government uprising earlier in the year, the Australian government advised Australians who already had tickets for commercial flights out of Egypt to use them, rather than rely on charter flights. This displeased some evacuees who believed that the government wasn’t doing enough. The government did charter two Qantas planes and evacuated hundreds of Australians from Cairo to Frankfurt. However, this prompted two evacuees to ask DFAT whether they would be awarded frequent flyer points for the flight.

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11 Fraser, J. ‘If you go, there's no getting out of jail free’ The Age, 14 July 2011.
12 ibid.
13 ibid.
14 Oakes, D. ‘Tourists warned help has its limits’ The Age, 31 August 2011.
15 ibid.
16 Oliver, A. ‘Australia’s deepening diplomatic deficit’ Government Business Foreign Affairs and Trade, November 2010, pp. 16-20. Tony Bullimore was a British round-the-world sailor rescued by the Australian navy; Schapelle Corby an Australian citizen currently in jail in Bali; Britt Lapthorne an Australian backpacker who disappeared in Croatia.
which was paid for by the government. Said a bemused Richardson: “Once you start getting questions of that kind, you do shake your head a bit and say, ‘Where is this going?’”\textsuperscript{17}

Former Foreign Minister Alexander Downer had similar stories to tell. In 2006, more than 4000 Australians were evacuated by boat from Lebanon and flown to Australia after Israel launched a military assault on Hezbollah forces. Downer recalled that although many of the evacuees had been grateful, some complained about the standard of the boats and sought compensation for sea-sickness.\textsuperscript{18} But Richardson observed that growing expectations of consular help were not limited to Westerners. “I was in Beijing not long after [the Libyan uprising] and talking to their officials... was a bit like talking to officials from the UK or another like-minded country,” he said, “So this thing has spread globally.”\textsuperscript{19}

\textbf{Stretched resources}

Increased demand for consular services was occurring against a backdrop of stagnant funding levels. As the Lowy Institute for International Policy noted: “While the Australian public service grew more than 60 percent since 1997-8, Defence grew 40 percent and AusAID almost doubled in size, DFAT staffing almost flat-lined. Of even more concern, the size of our overseas diplomatic corps has shrunk by more than a third since the late 1980s.”\textsuperscript{20} Australia had fewer overseas diplomatic missions than comparable countries and faced a pressing need to open more. Nearly half of all consulates were staffed by no more than three people and struggled with a considerable workload: “Increasingly burdened by security concerns, consular duties and departmental reporting obligations, these missions … have insufficient resources for much other than maintaining the most cursory diplomatic formalities, administering themselves and performing basic consular functions.”\textsuperscript{21}

Examining why successive governments had failed to substantially boost funding, the Lowy Institute’s Alex Oliver speculated that it was partly due to Australia’s increasingly security-oriented focus in the decade since 9/11. Funds that might have gone to DFAT had been directed towards defence, for example. He also posited that DFAT lacked a strong “domestic constituency”,\textsuperscript{22} that is, people were unlikely to protest budget shortfalls – until perhaps they found themselves stranded far from home.

\begin{itemize}
  \item \textsuperscript{17} Oakes, D. ‘Tourists warned help has its limits’ \textit{The Age}, 31 August 2011.
  \item \textsuperscript{18} ibid.
  \item \textsuperscript{19} ibid.
  \item \textsuperscript{20} Oliver, A. and Shearer, A. ‘Diplomatic disrepair: rebuilding Australia's international policy infrastructure’, Lowy Institute for International Policy, 22 August 2011.
  \item \textsuperscript{21} Oliver, A. ‘Australia’s deepening diplomatic deficit’ \textit{Government Business Foreign Affairs and Trade}, November 2010, pp. 16-20.
  \item \textsuperscript{22} ibid.
\end{itemize}
Exhibit A: Smart Traveller – Consular Service Charter

Consular services

There are legal limits to what we can do on your behalf.

DFAT seeks to extend to all its citizens, including dual nationals, the full range of consular assistance.

However, under international law, countries are not obliged to recognise dual nationality.

- A country may not permit Australian consular assistance to be given to Australian citizens who, according to its laws, it considers and treats as its own nationals.
- Or, a person might not be regarded as being an Australian if that person is not travelling on their Australian passport, which may also limit the provision of consular assistance.

While we will always try to assist to the greatest extent possible, under such circumstances the extent to which we are able to help you will typically be determined by the host government.

When you are overseas, be aware that local laws and penalties, do apply to you.

Consular assistance cannot override local laws, even where local laws may appear harsh or unjust by Australian standards.

What we can do to help Australians overseas:

- help during crises, such as civil unrest and natural disasters
- issue passports (applicant must provide relevant documentation and comply with procedures required by law), including emergency passports*
- provide advice and support in the case of an accident, serious illness or death, or if an Australian is a victim of a serious crime, and arrange for next-of-kin to be informed (if they wish)
- visit or contact Australians who are arrested and arrange for their family to be informed (if they wish)
- contact relatives and friends on an Australian's behalf and ask them to assist with money or tickets
- provide some limited financial assistance in real emergencies (subject to very strict criteria) to Australians in need*
- provide information on a government scheme under which eligible Australians can apply for financial assistance in limited circumstances to help with legal costs overseas*
- witness and authenticate signatures and provide certain other notarial services
- provide a list of local doctors, lawyers and, if available, interpreters
- provide the latest consular travel advisories, which include up-to-date information about the risks Australians might face overseas
- provide voting facilities for federal and some state and territory elections.

Consulates headed by an honorary consul provide only some of the above services.

* We cannot provide this support to other countries' nationals, even if they may have been lawfully living in Australia.
**What we cannot do to help Australians overseas:**

- give legal advice, investigate crimes overseas or intervene in court proceedings
- get Australians out of prison or obtain special treatment for Australians in prison
- provide medical services or medications
- arrange visas, work or residence permits for other countries, or help Australians to obtain them
- provide definitive information on visas, customs and quarantine conditions overseas – only the countries you plan to visit can provide up-to-date information about their requirements
- pay or guarantee payment of hotel, medical or any other bills, including the cost of returning lost luggage to Australia
- act as a travel agent, bank or post office, or store luggage
- become involved in commercial disputes, private legal matters or take up complaints about local purchases
- provide translation, interpreter, telephone or photocopy services
- pay pensions (although we can provide you with contact details of government authorities in Australia to help you to resolve payment difficulties)
- provide physical protection.

We **can** advise you how to get help on these and other matters.