



John Charles Muscat

The Secretary
Senate Legal and Constitutional References Committee
Parliament House
Canberra ACT 2600
Australia.

27/1/04.

Dear Sir/Madam,

I was born in King George V. Memorial Hospital, in Camperdown (Sydney N.S.W.) in Australia on 19th August, 1961. My mother and father migrated to Australia from Malta on the 20th of June 1957 and arrived on the 16th of July 1957.

As a child I enjoyed dual citizenship. I was Australian by birth under Australian law and Maltese by descent under Maltese law.

On the 1st of December 1962, when I was 1 year and 4 months, my family moved back to Malta.

Under Maltese citizenship law I was required to decide between Maltese and Australian citizenship

between my 18th and 19th birthdays. Prior to amendments which took effect on 10th February 2000, Maltese citizenship law did not allow dual citizenship in adulthood.

I was required by the Maltese citizenship authorities to present documentary evidence that I had formally renounced my Australian citizenship under Australian law using Section 18 of the Australian Citizenship Act 1948, in order to keep my Maltese citizenship beyond my 19th birthday.

I opted to keep Maltese citizenship in adulthood due to the fact that life in Malta for me without Maltese citizenship would have been extremely difficult. In particular when I was 17 years old I was employed with the condition that when I will turn 18 years, I have to renounce my Australian citizenship.

At the time that I renounced my Australian citizenship I did so only because I felt compelled and essentially had no choice in the circumstances. I was extremely unhappy about forfeiting my Australian citizenship, because I was born in Australia so I still consider myself to be "Austrealian" today, even if I am not legally an Australian citizen.

Australian citizenship is my birth right because I was born in Australia. I still maintain close ties with Australia in the following ways. I have

many relatives living in Australia such as my uncle and his family who lives in Cronulla (Sydney) I also have some cousins living in Como (Sydney) and also in Liverpool (Sydney). On the 26th of November, 1996 I went for the first time to see where I was born. I stayed there for two months. Then on 25th of November, 1998 I went again and stayed there for 9 weeks. I wish to go and live there but as I no longer have my Australian citizenship it is very difficult to go and live there.

I feel it is inequitable to deny those who lost their Australian citizenship under Section 18 the same resumption right, when the 2002 repeal of Section 17 signals that Australia as a country now accepts dual citizenship as sound policy for the 21st century.

Not only should the current resumption provision apply to Section 18 victims such as myself, but it should be broadened so that former Australians overseas are not required to make a declaration that they intend to return to Australia to live within 3 years. It is submitted that living in Australia should not be one of the tests of worthiness to resume Australian citizenship. Overseas Australians make valuable contributions in a multitude ways to Australia.

Many Section 17 victims acquired other

citizenships before 4th April 2002 because they felt compelled to do so at the time for financial or practical reasons affecting life in their country of residence. Australian-born Maltese are being discriminated against under Australian law simply because Maltese law at the time required a Section 18 Renunciation when the citizenship laws of other countries did not.

I note that Australian law changed with effect from 1st July 2002 to allow people who renounced their Australian citizenship in order to retain another citizenship to apply to resume their Australian citizenship up to the age of 25 years. However this provision does not assist me, because I was over the age of 25 on 1st July 2002.

Regardless of the fact that I am not formally an Australian citizen, I consider myself to be an integral part of Australia's now significant diaspora. Many thanks for the opportunity to contribute to the work of your Committee in this inquiry.

Yours faithfully,

John Muscat.