



MR. CHARLES ZAMMIT

TO: THE SECRETARY

SENATE LEGAL AND CONSTITUTIONAL REFERENCES COMMITTEE

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SUBMISSION TO INQUIRY INTO AUSTRALIAN EXPATRIATES

Dear SIR/MADAM

I was born in MELBOURNE in Australia on 27/6/1959. My mother and father migrated to Australia from Malta in 11th December 1958 that is the date they arrived by ship which was named 'STRATNAVER'. As a child I enjoyed dual citizenship: I was Australian by birth under Australian law and Maltese by descent under Maltese law. In August 11th 1975, when I was 16 years old, 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 amendment which took effect on 10 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 at that time I was studying very hard and trying to fit in in a new way of life. I was also still missing my father who had passed away two years earlier in 15th October 1973 and who was an Australian Citizen. It was his death that made my mother return back to Malta to be with her parents and the rest of her family. I did think of staying in Australia but tell me could I hurt her more than the pain that she had gone through with the death of her husband. 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, spent my formative years there with so many happy memories and still consider myself to be "Australian" today, even if I am not legally an Australian citizen.

Australian citizenship is my birth right because I was born in Australia. I still try to maintain close to Australia as I possibly can. Reading books

Newspapers, telephone calls which I receive from ex High School buddies that have remained friends even after all these many years that have gone by. Video's of important events which have taken place, Australia is the country I was born in, its where my dear father is resting. It has always been my wish to bring to Australia my now teenage children, to see where their grandfather is buried, to show them where I went to school, where I lived and grew up happy and content. Is it fair I ask that I was born in Australia but to do all these things I need permission and must leave after a certain time. Am I asking my country the country I truly love to be given my citizenship back. I ask you deeply to consider this letter.

The Australian Citizenship Act 1948 contains a provision whereby those who lost their Australian citizenship under the now repealed Section 17 may resume their lost citizenship as long as they are able to state an intention to return to Australia to live within three years

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 three 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 of ways to Australia.

Many Section 17 victims acquired other citizenships before 4 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 1 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 1 July 2002.

So I urge you PLEASE change the law and give me back what I was given when I was born my Australian citizenship. After all I was, am and will die Australian born. So I ask you consider this letter and any other letters you may receive. Am I asking to much to be given something that I was forced to give up when I was young without really not knowing what I was doing.

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. My thanks for the opportunity to contribute to the work of your Committee in this inquiry

Yours Faithfully

MR. Charles Lamont