



To: The Secretary
Senate Legal and Constitutional References Committee
Parliament House
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1st February 2004

Submission to Inquiry into Australian Expatriates

Dear Sir/Madam,

I was born in Albert Park in Australia on 29th July 1958. My mother is Australian, Buttigieg nee Livori. My father migrated to Australia around 1947/48. They were married in Australia. My mother's parents lived always in Australia and even their kids. Although my grandfather passed away the rest of my 7 aunties and uncles still live in Australia with their respective families. My parents moved back to Malta around 1963 when I was 10 years old. In 1981 I married to a gozitan and we migrated back to Australia. We lived in Australia for 6 years, in Footscray-St. Albans and both my wife and me worked full time while we were there. I worked at National Forge and Albion Explosives, my wife worked at St. Vincent Hospital. We both had a good record and we were very happy in Australia but we had to return to Malta for family reasons -health.

As a child I enjoyed dual citizenship law I was required to decide between Maltese and Australian citizenship prior to amendments, which took effect on 10 February 2000, Maltese citizenship law did not allow dual citizenship in adulthood. To be able to qualify for certain things I was required by the Maltese citizenship authorities to present documentary evidence that I had formally renounced my Australian citizenship. 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. I would have suffered significant hardship and detriment of economic nature, access to social security benefits and access to any type of employment

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 and still consider being "AUSTRALIAN" today, even if I am not legally an Australian citizen. Believe me the day I received the letter that informed me that I was no longer an Australian citizen was my saddest day of my life since as I said before I renounced my Australian citizenship because I had no other choice not because I wanted to do so. Australian citizenship is my birthright because I was born in Australia. I still maintain close ties with Australia especially with my x-work mates, relatives and friends both by phone and letters. Although we haven't paid them a visit recently some of them came to see us. We keep ourselves up to date with what's happening in Australia always.

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 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 also it should be broadened so that former Australians overseas are not required to make declaration that they intend to return to Australia to live within three years. It is submitted that living in Australia should not be at the tests of worthiness to resume Australian citizenship. Overseas Australians make valuable contributions in a multitude of ways in 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. 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
Yours faithfully

A handwritten signature in cursive script that reads "John Buttigieg". The signature is written in dark ink and is positioned below the typed name and closing.