

BORN - 22nd March, 1947

Father - Born in Malta, arrived Australia 1939, served with R.A.A.F. 2nd World War.

Mother -- Came to Australia when aged 4 years - born in Wales.

John Zarb - Educated Essendon Technical School & Strathmore High School (passed Matriculation).

- was working as a postman, in the hope that he would be able to save enough money to enter university.

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Registered in accordance with the Act in 1967.

Passed the medical examination, and was advised that he met the required standards, and would be required to start training on 1st October, 1967.

Applied to be registered as Conscientious Objector on 27th September, 1967

The case was heard on 2nd November, 1967.

* Next day, 3rd November, 1967, received advice No. 2051237 that he was exempted - Form 9 - "I find that he holds a Conscientious Belief, etc."

* A day or so later, he was advised that this form had been sent by mistake and that his appeal had been rejected - Form 11.

His barrister advised him that as Form 9 had been issued, the only way it could be withdrawn was by an Appeal by the Commonwealth. The Commonwealth did not appeal. In other words the form was binding on the Commonwealth, whether issued by mistake or not, and could only be superseded after certain procedures were gone through.

20.11.67 - A call-up notice was delivered to Mr. Zarb in person. A Sgt. of the Commonwealth Police contacted him in February, 1968, but apart from that, nothing was heard until 23rd May, 1968, when he received a summons for not obeying the call-up. This was heard in the Melbourne Court on 13th June, 1968. The proceedings were brief, the Commonwealth withdrew the case, but refused to give reasons, nor to give any undertaking that no further charges would be made. The Court awarded \$30 costs against the Commonwealth.

On June, 24th the new Provisions of the National Service Act came into force. In early July, another call-up notice was issued. On 3rd October, John Zarb received a summons for not obeying it. On 13th October he was sentenced to 2 years gaol, and is now in Pentridge prison.

Notes:

1. Mr. Cuthill, S.M. said that John Zarb proved he had Conscientious beliefs against serving the war in Vietnam, but that the Act did not give exemption against Conscientious beliefs held about a particular war.

2. The Commonwealth waited until the new amendments of the National Service Act had been proclaimed on 24th June, and re-opened the proceedings. This looks like an act of administrative malice.

3. If there were conscientious objections admitted for a particular war, or satisfactory provisions for alternative service, this case would not arise.

4. John Zarb is not a Pacifist, and has no objections to serving the country in its armed forces.

5. The estimated cost of his appeal will be between \$2,000 & \$5,000, and John Zarb's parents have been already required to lodge \$2,000 in order for the appeal to proceed - a severe hardship.

6. John Zarb has acted responsibly throughout, and is now being treated as a common criminal.