



Australian Citizenship Amendment Act 1990

No. 105 of 1990

An Act to amend the *Australian Citizenship Act 1948*, and for related purposes

[Assented to 18 December 1990]

The Parliament of Australia enacts:

Short title etc.

1. (1) This Act may be cited as the *Australian Citizenship Amendment Act 1990*.

(2) In this Act, “Principal Act” means the *Australian Citizenship Act 1948*¹.

Commencement

2. (1) Subject to subsection (2), this Act commences on a day to be fixed by Proclamation.

(2) If this Act does not commence under subsection (1) within the period of 6 months beginning on the day on which it receives the

Royal Assent, it commences on the first day after the end of that period.

Citizenship by descent

3. Section 10B of the Principal Act is amended:

(a) by omitting from paragraph (1) (a) all the words after “Australian consulate” and substituting “, and the registration is the result of an application made within 18 years of the person’s birth to register the person’s name for those purposes; and”;

(b) by adding at the end the following subsection:

“(4) A person born outside Australia is an Australian citizen if, before the commencement of the *Australian Citizenship Amendment Act 1990*:

(a) an application was made to register the person’s name at an Australian consulate for the purposes of this section before the person turned 18; and

(b) the person’s name was so registered even though the person had turned 18 at the time of registration.”.

4. After section 10B of the Principal Act the following section is inserted in Division 1 of Part III:

Citizenship by descent through mother

“11. (1) A person born outside Australia or New Guinea before 26 January 1949 may, within 5 years after the commencement of this section, apply to the Minister for his or her registration under this section as an Australian citizen if the person’s natural mother became an Australian citizen on 26 January 1949 and, before that day:

(a) was born in Australia or New Guinea; or

(b) was naturalised in Australia.

“(2) The application may include any natural child of the applicant, regardless of the child’s age.

“(3) The Minister must register, in the prescribed manner, the applicant as an Australian citizen where the Minister is satisfied that the applicant:

(a) was present in Australia for any time before 1 May 1987; and

(b) is of good character.

“(4) The applicant, and any natural child of the applicant included in the application, becomes an Australian citizen on the day on which the applicant is registered as an Australian citizen.

“(5) If the Minister makes a decision under subsection (3) and the applicant is not to be registered as an Australian citizen, the Minister must cause to be served on the applicant, either personally or by post, a notice in writing setting out that decision.”.

Grant of Australian citizenship

5. Section 13 of the Principal Act is amended by omitting from subsection (10) all the words after “under this section,” and substituting the following:

“the name of a child if, at the time of the application:

- (a) the child was under 16; and
- (b) the grantee was a responsible parent of the child.”.

6. Before section 32 of the Principal Act the following section is inserted in Part V:

Application to be dealt with only if on approved form and fee paid

“31. The Minister must not consider, or otherwise deal with, an application under this Act unless:

- (a) the application is on an approved form and in accordance with the regulations; and
- (b) any fee payable in respect of the application is paid.”.

Review of decisions

7. Section 52A of the Principal Act is amended by inserting before paragraph (1) (a) the following paragraph:

“(aa) decisions of the Minister that the Minister is not satisfied as to the matters referred to in subsection 11 (3);”.

NOTE

1. No. 83, 1948, as amended. For previous amendments, see No. 58, 1950; No. 70, 1952; No. 85, 1953; No. 1, 1955; No. 63, 1958; No. 79, 1959; No. 82, 1960; No. 11, 1966; No. 11, 1967; No. 22, 1969; Nos. 99 and 216, 1973; No. 91, 1976; No. 61, 1981; No. 80, 1982; No. 84, 1983; No. 129, 1984; No. 65, 1985; No. 70, 1986; Nos. 86 and 141, 1987; and No. 59, 1989.

[*Minister's second reading speech made in—
House of Representatives on 12 November 1990
Senate on 15 November 1990*]