



Australian Citizenship Amendment Act 1991

No. 195 of 1991

An Act to amend the *Australian Citizenship Act 1948*

[Assented to 18 December 1991]

[Date of commencement 15 January 1992]

The Parliament of Australia enacts:

Short title etc.

1.(1) This Act may be cited as the *Australian Citizenship Amendment Act 1991*.

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

Citizenship by descent

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

- (a) by omitting from subparagraph (1)(b)(i) “in the manner referred to in sub-subparagraph (ii)(A)” and substituting “by descent”;
- (b) by omitting from sub-subparagraph (1)(b)(ii)(A) “under this section, or under section 11 of this Act as in force at any time before the commencement of this section” and substituting “by descent”;

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(c) by inserting at the end of subsection (1) the following:

“Note: for the meaning of acquiring Australian citizenship by descent, see subsection (5).”;

(d) by inserting after subsection (4) the following subsection:

“(5) For the purposes of this section, a person acquires Australian citizenship by descent if the person acquires Australian citizenship under:

(a) this section; or

(b) section 10C; or

(c) section 11 of this Act as in force at any time before or after the commencement of this section.”.

3. After section 10B of the Principal Act the following section is inserted:

Citizenship by descent for a person over 18 years old

“10C.(1) A person who is registered under this section is an Australian citizen.

“(2) A person may apply to the Minister to be registered under this section.

“(3) The application must be in accordance with the approved form.

“(4) The Minister must register, in the prescribed manner, an applicant for registration under this section if:

(a) a natural parent of the applicant was an Australian citizen at the time of the birth of the applicant; and

(b) that parent:

(i) is an Australian citizen at the time an application under this section is made; or

(ii) is dead and at the time of his or her death was an Australian citizen; and

(c) the applicant:

(i) was born outside Australia on or after 26 January 1949; and

(ii) is aged 18 years or over on the day on which this section commences; and

(iii) failed for an acceptable reason to become registered as an Australian citizen under:

(A) section 10B; or

(B) section 11 of this Act as in force at any time before the commencement of section 10B; and

(d) the Minister is satisfied that the applicant is of good character.

Note: “acceptable reason” is defined in subsection (5).

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“(5) For the purposes of subparagraph (4)(c)(iii), an applicant has an acceptable reason if and only if:

- (a) an Australian passport has been issued to the applicant; or
- (b) the applicant’s name has been on an Electoral Roll under the *Commonwealth Electoral Act 1918*; or
- (c) the applicant was unaware of the requirement of registration for the purposes of obtaining Australian citizenship by descent under section 10B or under section 11 of this Act as in force at any time before the commencement of section 10B; or
- (d) the applicant has a reason for failing to become registered that is declared by the regulations to be an acceptable reason for the purposes of this section.

“(6) If the Minister decides not to register an applicant under this section, the Minister must inform the applicant of that decision by written notice served personally or by post.

“(7) A notice served on an applicant under subsection (6) must include:

- (a) reasons for the decision; and
- (b) notification of the applicant’s entitlement to apply for review of the decision under section 52A.”.

Citizenship by descent through mother

4. Section 11 of the Principal Act is amended:

(a) by inserting after subsection (2) the following subsection:

“(2A) The application must be in accordance with the approved form.”;

(b) by inserting after subsection (5) the following subsection:

“(6) A notice served on an applicant under subsection (5) must include:

- (a) reasons for the decision; and
- (b) notification of the applicant’s entitlement to apply for review of the decision under section 52A.”.

Review of decisions

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

“(aaa) decisions of the Minister under section 10C refusing an application for registration.”.

Minor amendments

6. The Principal Act is further amended as set out in the Schedule.

SCHEDULE

Section 6

MINOR AMENDMENTS

Subparagraph 5A(1)(ba)(iii):

- (a) Omit "5E", substitute "9".
- (b) Omit "6(4)", substitute "14(4)".

Paragraph 5A(2)(c):

- (a) Omit "5E", substitute "9".
- (b) Omit "6(4)", substitute "14(4)".

Paragraph 5A(6)(b):

- Omit "11ZH", substitute "51".
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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; No. 59, 1989; and No. 105, 1990.

*[Minister's second reading speech made in—
House of Representatives on 7 November 1991
Senate on 13 November 1991]*