

Australian Citizenship Regulations (Amendment) 1991 No. 486

EXPLANATORY STATEMENT

STATUTORY RULES 1991 No. 486

Issued by the Minister for Immigration, Local Government and Ethnic Affairs

Australian Citizenship Act 1948

Australian Citizenship Regulations (Amendment)

Section 53 of the Australian Citizenship Act 1948 (the Act) provides that the Governor-General may make regulations giving effect to the Act.

As a consequence of amendments to the Act which are due to come into effect early in 1992, new regulations 7E to 7H inclusive have been inserted into the Australian Citizenship Regulations (the principal regulations). The regulations provide procedures for applications for, and the registration of, citizenship by descent under section 10C of the Act. The people concerned are those who will be eighteen years or over on the date of commencement of the Australian Citizenship Amendment Act 1991; who have a parent who (i) was an Australian citizen at the time of the person's birth and (ii) is either still an Australian citizen or was at death: are of good character: and have an acceptable reason for not being previously registered.

In particular, Regulation 7E prescribes the place for lodgment of applications and specifies the original documents to be attached to the application. It also provides for an application fee of \$100.

Regulation 7F provides for registration as an Australian citizen to occur by the entry of the person's name in a register kept by the Department for the purposes of subsection 10C(4) of the Act.

Regulation 7G provides that, on registration, a declaratory certificate of citizenship shall be issued to the applicant, and that no fee is payable for this certificate.

Regulation 4 of the amending regulations amends Regulation 19 of the principal regulations by increasing the application fee under s. 46A(1) of the Act for an evidentiary certificate in relation to a certificate of Australian citizenship from \$30 to \$50.

Regulation 5 amends Regulation 23 of the principal regulations by providing a refund provision and by providing that the refund provision in relation to incorrect advice is restricted to advice provided by the Department with respect to the lodging of the application under s. 10C of the Act.

The regulations will commence on the same day that the Australian Citizenship Amendment Act 1991 commences, which will be twenty-eight days after that Act receives Royal assent.

Authority: Section 53 of the Australian Citizenship Act 1948