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Statutory Rules 1991 No. L¹

486

**Australian Citizenship Regulations²
 (Amendment)**

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council and under section 4 of the *Acts Interpretation Act 1901*, make the following Regulations under the *Australian Citizenship Act 1948*.

Dated 23 December 1991.

BILL HAYDEN

Governor-General

By His Excellency's Command,

GERLY HAND

Minister of State for Immigration,
 Local Government and Ethnic Affairs

1. Commencement

1.1 These Regulations commence on the commencement of the *Australian Citizenship Amendment Act 1991*.

2. Amendment

2.1 The Australian Citizenship Regulations are amended as set out in these Regulations.

3. New regulations 7E—7H (inclusive)

3.1 After regulation 7D, insert:

Application for registration under section 10C of the Act

“7E. (1) An application under section 10C of the Act for registration as an Australian citizen must be sent to:

- (a) the head office, or any regional or area office, of the Department; or
- (b) any Australian mission overseas.

“(2) The following original documents must be attached to the application:

- (a) the applicant’s full birth certificate;
- (b) if the applicant has an Australian passport—the passport;
- (c) if the applicant’s name has been entered on an Electoral Roll under the *Commonwealth Electoral Act 1918*—documents from the Australian Electoral Commission providing evidence of the enrolment;
- (e) if the applicant has changed his or her name—documents providing evidence of the applicant’s name before and after it was changed;
- (f) documents providing evidence that a natural parent of the applicant was an Australian citizen when the applicant was born;
- (g) documents providing evidence that the parent was an Australian citizen:
 - (i) when the application was made; or
 - (ii) if the parent died before the application was made—at the time of the parent’s death;
- (h) if it is available—the parent’s full birth certificate;

- (i) if the parent has changed his or her name—documents providing evidence of the parent’s name before and after it was changed;
- (j) if the parent is dead—the parent’s death certificate.

“(3) A fee of \$100 is payable on sending an application.

Registration under section 10C of the Act

“7F. For the purposes of subsection 10C (4) of the Act, a person may be registered as an Australian citizen by entering the person’s name in a register kept by the Department for that purpose.

Issue of declaratory certificate of citizenship on registration

“7G. (1) An authorised officer must issue a declaratory certificate of citizenship to a person at the time that person is registered as an Australian citizen under subsection 10C of the Act.

“(2) No fee is payable for a certificate issued under subregulation (1).

Acceptable reason—section 10C of the Act

“7H. The applicant’s reason for failing to become registered is an acceptable reason for the purposes of paragraph 10C (5) (d) of the Act if:

- (a) there is reason to believe that the applicant applied to be registered as an Australian citizen under:
 - (i) section 10B of the Act; or
 - (ii) section 11 of the Act as in force before commencement of section 10B; and
- (b) the applicant was not registered because the application was not processed.”.

4. Regulation 19 (Prescribed fee for the purposes of paragraph 46 (1) (c) of the Act)

4.1 Omit "\$30", substitute "\$50".

5. Regulation 23 (Refund of fees)

5.1 Subregulation 23 (1):

After "7A", insert " 7E".

5.2 After subregulation 23 (1), insert:

"(1A) A person who paid a fee under regulation 7E is entitled to a refund under paragraph 23 (1) (b) only if the incorrect advice given by the Department related to lodging an application under section 10C of the Act."

NOTES

1. Notified in the *Commonwealth of Australia Gazette* on 1991. L 10 Jan/2/
2. Statutory Rules 1960 No. 62 as amended by 1961 No. 120; 1964 No. 1; 1965 Nos. 8 and 146; 1967 No. 149; 1968 No. 129; 1969 No. 72; 1970 Nos/9 and 189; 1973 Nos. 29 and 196; 1975 No. 181; 1976 No. 269; 1978 No. 272; 1979 No. 143; 1980 No. 339; 1981 No. 112; 1982 No. 118; 1983 No. 68; 1984 Nos/252 and 351; 1985 No. 260; 1986 Nos. 209, 210, 223 and 306; 1987 Nos. 87, 88 and 312; 1988 Nos. 324 and 325; 1989 Nos. 140 and 222; 1991 Nos. 28 and 221/

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