

Australian Citizenship Regulations (Amendment) 1995 No. 267

EXPLANATORY STATEMENT

STATUTORY RULES 1995 No. 267

Issued by the Authority of the Minister for Immigration and Ethnic Affairs

Australian Citizenship Act 1948

Australian Citizenship Regulations (Amendment)

Section 53 of the *Australian Citizenship Act 1948* (the Act) provides for the Governor-General to make regulations, not inconsistent with the Act, prescribing all matters which by this Act are required or permitted to be prescribed, or which are necessary or convenient to be prescribed for carrying out or giving effect to the Act.

Without limiting the generality of section 53, particular provision is made for and in relation to the following matters:

- paragraph 53(f)(i) of the Act provides for the imposition and recovery of fees in respect of any application under the Act; and
- paragraph 53(fa) of the Act provides for the remission, refund or waiver of fees of a kind referred to in paragraph (f) or the exemption of persons from the payment of such fees.

The purpose of the Regulations is to:

- provide a concessional fee for applications for Australian citizenship made by recipients of a prescribed pension or allowance and by the partners of these recipients; and
- provide an exemption from payment of fees for an application for Australian citizenship for persons who came to Australia under the British Child Migration Scheme between 1947 and 1967.

Details of the Regulations are set out in the Attachment.

ATTACHMENT

Regulation 1 Commencement

This regulation provides for these Regulations to commence on 1 November 1995.

Regulation 2 - Amendment

This regulation provides for the Australian Citizenship Regulations to be amended as set out in these Regulations.

Regulation 3 - Regulation 9 (Fee on lodgment of application for grant of certificate of Australian citizenship)

This regulation omits subregulations 9(1A) and 9(1B) and substitutes new subregulations.

New subregulation 9(1A) provides that the fee on application for a certificate of Australian citizenship is \$20 where the applicant produces evidence, issued by the Department of Social Security or the Department of Veterans' Affairs, that identifies the applicant as the recipient of an age pension, a mature age allowance, a disability support pension, an age service pension or an invalidity service pension. The fee also applies to an applicant who is the partner of the recipient of one of those pensions, and produces evidence that identifies the applicant as the recipient of a means-tested pension or allowance, and he or she receives that means-tested pension or allowance because he or she is the partner of the recipient of one of those above-mentioned pensions or allowance.

New subregulation 9(1B) provides that a fee is not payable for an application for a certificate of Australian citizenship where an authorised officer is satisfied that the applicant entered Australia from the United Kingdom between 22 September 1947 and 31 December 1967 and was a ward of the Minister under the *Immigration (Guardianship of Children) Act 1946*. This regulation is designed to cover people who were brought to Australia under the British Child Migration Scheme.