

Australian Citizenship Regulations (Amendment) 1996 No. 78

EXPLANATORY STATEMENT

STATUTORY RULES 1996 No. 78

Issued by the Authority of the Minister for Immigration and Multicultural 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.

The purpose of the Regulations is to make amendments to the Australian Citizenship Regulations to:

- * provide greater flexibility in relation to applications for certificates of Australian citizenship, registration of Australian citizenship and declaratory certificates of Australian citizenship by omitting or amending prescribed particulars to be included in the application. Applications under these regulations will be made using forms approved by written instrument of the Minister, under section 31 of the Act (Regulations 4, 5 and 6);
- * increase the fee for registration of an applicant who is the sibling of another applicant in accordance with the annual indexation of fees (Regulation 4);
- * streamline the process of resuming Australian citizenship by simplifying Form 10 and providing for it to be the only prescribed form for the purpose of declaration of a desire to resume Australian citizenship (Regulations 7 and 8); and
- * replace references to "Immigration and Ethnic Affairs" with "Immigration and Multicultural Affairs" (Regulations 3 and 8).

Details of the Regulations are set out in the Attachment.

ATTACHMENT

Regulation 1 - Commencement

These Regulations commence on 1 July 1996.

Regulation 2 - Amendment

These Regulations amend the Australian Citizenship Regulations.

Regulation 3 - Regulation 3 (Interpretation)

The definition of "authorised office" in regulation 3 is amended by omitting "Ethnic Affairs" and substituting "Multicultural Affairs". This change is a consequence of a name change of the Department.

Regulation 4 - Regulation 7A (Application for registration)

Regulation 7A of the Australian Citizenship Regulations is omitted and a new less complex provision is substituted which includes only a provision relating to fees.

* Regulation 7A of the Australian Citizenship Regulations prescribed particulars to be included in an application for registration. This was found to be restrictive if there was a need to alter the information collected from applicants.

* The existing requirement for an application under section 10B of the Act to be on a prescribed form is removed and future applications will be made on forms that have been approved in accordance with section 31 of the Act.

The fee for an applicant who is a sibling of another applicant is increased by \$5 as a result of the annual indexation of fees. The other fees are not increased as a result of rounding.

Regulation 5 - Regulation 8 (Declaratory certificate of citizenship issued on application)

Subregulation 5.1 omits existing subregulations 8(1), (2), (3) and (4) of the Australian Citizenship Regulations and substitutes new subregulations 8(1) and (2). Subregulation 5.2 omits subregulation 8(6).

New subregulations 8(1) and (2) omit the former provisions in relation to particulars to be included in an application for a declaratory certificate. These provisions were found to be restrictive if there was a need to alter the information collected from applicants. The provisions of the omitted subregulations in relation to fees are substantially repeated.

Regulation 6 - Regulation 11 (Prescribed matters for the purposes of subsection 36(1) of the Act)

Regulation 11 of the Australian Citizenship Regulations is omitted.

Regulation 11 prescribed particulars to be included in an application for the purposes of subsection 36(1) of the Act. This regulation was found to be restrictive if there was a need to alter the information collected from applicants. Forms approved under section 31 of the Act will be used rather than prescribed forms.

Regulation 7 - Regulation 13A (Statement and declaration for the purposes of section 23 of the Act)

The existing reference to Form 9A is replaced by a reference to Form 10.

Form 9A is omitted by subregulation 8.3 of these Regulations. Subregulation 8.4 of these Regulations substitutes a new Form 10 which will fill the role of the existing Form 9A.

Regulation 8 - Schedule 2 (Forms)

Subregulation 8.1 amends Form 6 by omitting "Ethnic Affairs" and substituting "Multicultural Affairs" as a consequence of a name change of the Department.

Subregulation 8.2 amends Form 8 by omitting "Ethnic Affairs" and substituting "Multicultural Affairs" as a consequence of a name change of the Department.

Subregulation 8.3 omits Form 9A of Schedule 2 of the Australian Citizenship Regulations.

Subregulation 8.4 omits Form 10 of Schedule 2 of the Australian Citizenship Regulations and substitutes a new Form 10 which is simplified and incorporates existing Form 9A (which is omitted by subregulation 8.3 of these Regulations). Form 10 will be used for the purpose of declaring a desire to resume Australian citizenship under section 23A, section 23AA and section 23B of the Act.