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# Australian Citizenship Amendment Regulations 2002 (No. 1 )<sup>1</sup>

Statutory Rules 2002 No. <sup>2</sup>

85

I, PETER JOHN HOLLINGWORTH, Governor-General of the  
 Commonwealth of Australia, acting with the advice of the  
 Federal Executive Council, make the following Regulations  
 under the *Australian Citizenship Act 1948*.

Dated - 2 MAY 2002 2002

PETER HOLLINGWORTH  
 Governor-General

By His Excellency's Command

GARY HARDGRAVE  
 Minister for Citizenship and Multicultural Affairs

## Regulation 1

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### 1 Name of Regulations

These Regulations are the *Australian Citizenship Amendment Regulations 2002* (No. 1).

### 2 Commencement

These Regulations commence on the commencement of Schedule 2 to the *Australian Citizenship Legislation Amendment Act 2002*.

### 3 Amendment of *Australian Citizenship Regulations 1960*

Schedule 1 amends the *Australian Citizenship Regulations 1960*.

## Schedule 1 Amendments

(regulation 3)

### [1] Subregulation 3 (1), before definition of *authorised officer*

*insert*

*Australian mission overseas* means a diplomatic, consular or migration office maintained by or on behalf of the Commonwealth outside Australia.

### [2] Subregulation 3 (1), definition of *authorised officer*

*omit*

Department of Immigration and Multicultural Affairs,

*insert*

Department of Immigration and Multicultural and Indigenous Affairs,

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2 *Australian Citizenship Amendment Regulations*  
2002 (No. 1)

2002, 1

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**[3] Subregulation 3 (1), after definition of *Centrelink***

*insert*

*certificate evidencing Australian citizenship* has the meaning given by regulation 4A.

**[4] Subregulation 3 (1), after definition of *Papua***

*insert*

*pledge of commitment* has the meaning given by section 15 of the Act.

**[5] Regulation 4**

*substitute*

**4 Documents in support of particulars**

If a person is required to give particulars under these Regulations, the person must lodge appropriate documents in support of those particulars as required by the Minister.

**4A Certificate evidencing Australian citizenship**

- (1) A *certificate evidencing Australian citizenship* for a person who is an Australian citizen is a certificate that:
  - (a) states that the person is an Australian citizen; and
  - (b) is in an approved form.
- (2) A certificate mentioned in subregulation (1) constitutes evidence of the fact that the person named in the certificate is an Australian citizen.
- (3) A certificate that purports to have been signed by an authorised officer is taken to have been signed by that officer unless the contrary is proved.

*Note* **approved form** means a form approved by the Minister by instrument in writing (see subsection 5 (1) of the Act).

**[6] Regulation 7G, heading**

*substitute*

**7G Certificate evidencing Australian citizenship for the purposes of section 10C of the Act**

**[7] Regulation 8, heading**

*substitute*

**8 Certificate evidencing Australian citizenship to be issued on application**

**[8] Subregulation 8 (1)**

*omit*

declaratory certificate of citizenship in a form approved by the Minister.

*insert*

certificate evidencing Australian citizenship.

**[9] Subparagraph 8 (5) (a) (iii)**

*substitute*

- (iii) subsection 13 (10) of the Act as in force after the commencement of the *Australian Citizenship Amendment Act 1984* and before the commencement of Schedule 2 to the *Australian Citizenship Legislation Amendment Act 2002*; or
- (iv) subsection 13 (10) of the Act, as saved by item 38 of that Schedule; or

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[10] **Regulation 8C, heading**

*substitute*

**8C Certificate evidencing Australian citizenship for the purposes of subsection 11 (4) of the Act**

[11] **Subparagraph 9 (2) (c) (ii)**

*omit*

furnished

*insert*

lodged

[12] **Regulation 10**

*substitute*

**10 Certificate of Australian citizenship**

- (1) A certificate of Australian citizenship granted under section 13 of the Act must be in accordance with Form 6A.
- (2) A certificate of Australian citizenship granted under section 32 of the Act must be in accordance with Form 8.
- (3) A certificate of Australian citizenship that includes the name of a child as a result of the operation of item 38 of Schedule 2 to the *Australian Citizenship Legislation Amendment Act 2002* in saving subsection 13 (10) of the Act must be in accordance with Form 6.

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**[13] After regulation 10**

*insert*

**11 Acceptable reasons for failing to make a pledge of commitment (Act s 14B)**

- (1) This regulation declares the acceptable reasons for section 14B of the Act.
- (2) For a person who fails to make a pledge of commitment within 12 months after the day on which the person was notified of a decision by the Minister to grant a certificate of Australian citizenship to the person (the *relevant period*), the *acceptable reasons* are as follows:
  - (a) that:
    - (i) the person was prevented from making a pledge within the relevant period by subsection 14C (4) of the Act because the Minister decided to defer the conferral of Australian citizenship on the person for a period of time (*deferral period*); and
    - (ii) either:
      - (A) the deferral period has not yet ended; or
      - (B) the deferral period has ended, but the person has not yet had a reasonable period of time since the end of the deferral period in which to make a pledge;
  - (b) that:
    - (i) the person was unable to make a pledge within the relevant period, either in Australia or at an Australian mission overseas, because during that period, the person had to travel overseas:
      - (A) for medical treatment that was not available in Australia; or
      - (B) to care for a close relative who was critically ill; and
    - (ii) either:
      - (A) the person is still unable to make a pledge for the reason mentioned in subparagraph (i); or

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- (B) the person is now able to make a pledge, but the person has not yet had a reasonable period of time in which to do so;
- (c) that:
- (i) the person was unable to make a pledge within the relevant period because of an administrative error or omission made by:
- (A) the Commonwealth, a State or Territory; or
- (B) an authority of the Commonwealth, a State or Territory; or
- (C) a local government authority; and
- (ii) either:
- (A) the error or omission has not been rectified; or
- (B) the error or omission has been rectified, but the person has not yet had a reasonable period of time in which to make a pledge.
- (3) A person claiming to have an acceptable reason of the kind mentioned in paragraph (2) (b) or (c) must give the Minister:
- (a) a signed statement in writing to support the claim that includes a description of any effort that the person made to make a pledge of commitment within the relevant period; and
- (b) written evidence that supports the statement.
- (4) For paragraph (2) (b):
- close relative*, in relation to a person, means:
- (a) the spouse of the person; or
- (b) a child, adopted child, parent, brother or sister of the person; or
- (c) a stepchild, stepmother, stepfather, stepbrother or stepsister of the person; or
- (d) a grandchild or grandparent of the person.

**[14] Regulations 13A, 13B, 14, 15, 16 and 17**

*substitute*

**14 Declaration of wish to resume Australian citizenship**

- (1) For paragraphs 23AA (1) (c) and 23AB (1) (d), and subsections 23A (1) and 23B (1), of the Act, a declaration that a person wishes to resume Australian citizenship must be made in accordance with Form 10.
- (2) A fee of \$65 is payable for lodging a declaration mentioned in subregulation (1).

**15 Registration of declarations**

- (1) For sections 23AA and 23AB of the Act, a declaration is registered by:
  - (a) the Minister making a record of the fact that the person who made the declaration has resumed his or her Australian citizenship; and
  - (b) the record being included on a data storage system kept by the Department.
- (2) For sections 23A and 23B of the Act, a declaration is registered by:
  - (a) the person to whom the declaration was given making a record of the fact that the person who made the declaration has resumed his or her Australian citizenship; and
  - (b) the record being included on a data storage system kept by the Department.

**16 Certificate evidencing Australian citizenship —  
resumption of citizenship**

If a declaration under section 23AA, 23AB, 23A or 23B of the Act made by a person seeking to resume Australian citizenship is registered, an authorised officer must issue to the person a certificate evidencing Australian citizenship as soon as practicable.



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**[15] Subregulation 23 (2)**

*omit*

- (2) Where, under regulation 16, a fee is paid by a person on furnishing a declaration

*insert*

- (2) If a person has paid a fee, under subregulation 14 (2), for lodging a declaration

**[16] Subparagraph 23 (2) (a) (i)**

*omit*

section 23AA

*insert*

section 23AA or 23AB

**[17] Subparagraph 23 (2) (a) (i)**

*omit*

furnished

*insert*

lodged

**[18] Subparagraph 23 (2) (a) (ii)**

*omit*

furnished

*insert*

lodged

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[19] **Schedule 2, Form 6**

*substitute*

**Form 6** **Certificate of Australian citizenship**

(subregulation 10 (3))

COMMONWEALTH OF AUSTRALIA

*Australian Citizenship Act 1948*

**CERTIFICATE OF AUSTRALIAN CITIZENSHIP**

*(full name of applicant)*

born on *(date of birth)*

having applied for a certificate of Australian citizenship, having satisfied the conditions prescribed by the *Australian Citizenship Act 1948* for the grant of such a certificate and having undertaken to fulfil the responsibilities of an Australian citizen,

I, the Minister for Citizenship and Multicultural Affairs, grant this certificate of Australian citizenship to the applicant named above who is an Australian citizen on and after *(date)*.

Issued by the authority of the Minister for  
Citizenship and Multicultural Affairs *(signature or printed or stamped  
signature of the Minister)*  
*See Note 1 below*

Minister for Citizenship and  
Multicultural Affairs

*(signature of the presenter  
(optional) — see Note 2 below)*

No. *(applicant's citizenship identity  
number)*

*(Office of the presenter — see  
Note 3 below)*

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## CHILDREN INCLUDED IN CERTIFICATE

The names of the following children who had not attained the age of 16 years at the time of application and of whom the grantee of this certificate is a responsible parent, have been included in this certificate:

Name of child:

Date of birth of child:

*(Statement where no children are included — see Note 4 below)*

*(Signature or printed or stamped  
signature of the Minister)*  
Minister for Citizenship  
and Multicultural Affairs

### Notes

1. If the certificate is issued by the Minister, substitute the following: 'Issued by the Minister for Citizenship and Multicultural Affairs'.
2. If desired, the person (in the above form and in these notes referred to as *the presenter*) who performs the function of administering the pledge of commitment to the applicant (in the above form and in these notes referred to as *the prescribed function*) may sign his or her signature where indicated above.
3. If the presenter signs his or her signature as referred to in Note 2 above following the performance of the prescribed function and the presenter performed that function by virtue of an office held by him or her, the presenter must set out that office where indicated above (eg 'President, Shire of...').
4. If no children are included in the certificate, insert the following statement where indicated above:  
'There are no children included in this certificate.'

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[20] **Schedule 2, after Form 6**

*insert*

**Form 6A** **Certificate of Australian citizenship**  
(subregulation 10 (1))

COMMONWEALTH OF AUSTRALIA

*Australian Citizenship Act 1948*

**CERTIFICATE OF AUSTRALIAN CITIZENSHIP**

*(full name of applicant)*

born on *(date of birth)*

having applied for a certificate of Australian citizenship, having satisfied the conditions prescribed by the *Australian Citizenship Act 1948* for the grant of such a certificate and having undertaken to fulfil the responsibilities of an Australian citizen,

I, the Minister for Citizenship and Multicultural Affairs, grant this certificate of Australian citizenship to the applicant named above who is an Australian citizen on and after *(date)*.

Issued by the authority of the Minister for  
Citizenship and Multicultural Affairs  
*See Note 1 below*

*(signature or printed or stamped  
signature of the Minister)*

Minister for Citizenship and  
Multicultural Affairs

*(signature of the presenter  
(optional) — see Note 2 below)*

No. *(applicant's citizenship identity  
number)*

*(Office of the presenter — see  
Note 3 below)*

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**Notes**

1. If the certificate is issued by the Minister, substitute the following: 'Issued by the Minister for Citizenship and Multicultural Affairs'.
2. If desired, the person (in the above form and in these notes referred to as *the presenter*) who performs the function of administering the pledge of commitment to the applicant (in the above form and in these notes referred to as *the prescribed function*) may sign his or her signature where indicated above.
3. If the presenter signs his or her signature as referred to in Note 2 above following the performance of the prescribed function and the presenter performed that function by virtue of an office held by him or her, the presenter must set out that office where indicated above (eg 'President, Shire of...').

**[21] Schedule 2, Form 8***substitute***Form 8 Certificate of Australian citizenship**

(subregulation 10 (2))

COMMONWEALTH OF AUSTRALIA

*Australian Citizenship Act 1948***CERTIFICATE OF AUSTRALIAN CITIZENSHIP**

Under section 32 of the *Australian Citizenship Act 1948*, I certify that (*name of applicant*), born on (*applicant's date of birth*), is an Australian citizen.

Dated 20 .

*(signature or printed or stamped signature of the Minister)*Minister for Citizenship and  
Multicultural Affairs

[22] Schedule 2, Form 9

**Form 9 Declaration of renunciation of  
Australian citizenship**

(subregulation 13 (1))

*Australian Citizenship Act 1948*

**DECLARATION OF RENUNCIATION OF AUSTRALIAN  
CITIZENSHIP**

I, *(name of person making declaration)* ,

of *(address of that person)* ,

being an Australian citizen, declare that I renounce my Australian citizenship  
under subsection 18 (1) of the *Australian Citizenship Act 1948*.

*(signature)*

Declared at *(place)* on 20 .

**[23] Schedule 2, Form 10***substitute***Form 10 Declaration of desire to resume  
Australian citizenship**

(subregulation 14 (1))

*Australian Citizenship Act 1948***DECLARATION OF DESIRE TO RESUME AUSTRALIAN  
CITIZENSHIP UNDER SECTION 23AA, 23AB, 23A OR 23B OF THE  
ACT**I, (*name of person making declaration*) ,of (*address of that person*) ,having ceased to be an Australian citizen, declare that I wish to resume  
Australian citizenship.*(signature)*Declared at (*place*) on 20 .**[24] Further amendments — certificate evidencing  
Australian citizenship**

- (1) The following provisions are amended by omitting each mention of 'declaratory certificate of citizenship' and inserting 'certificate evidencing Australian citizenship':
- subregulation 7G (1)
  - subregulations 8 (5), (7), (8) and (11)
  - subregulation 8C (1).

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(2) The following provisions are amended by omitting each mention of 'declaratory certificate' and inserting 'certificate evidencing Australian citizenship':

- paragraphs 8 (8) (a) and (b)
- subregulations 8 (9) and (11).

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**Notes**

1. These Regulations amend 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, 221, 305 and 486; 1992 No. 171; 1993 Nos. 55 and 362; 1994 Nos. 218 and 262; 1995 No. 267; 1996 Nos. 78 and 212; 1997 No. 262; 2001 No. 237.

2. Notified in the *Commonwealth of Australia Gazette* on / 2002.

9 May