



# Australian Citizenship Amendment Regulations 2005 (No. 1)<sup>1</sup>

## Select Legislative Instrument 2005 No. 53

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I, PHILIP MICHAEL JEFFERY, 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 23 March 2005

P. M. JEFFERY  
Governor-General

By His Excellency's Command

PETER McGAURAN  
Minister for Citizenship and Multicultural Affairs

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### 1 Name of Regulations

These Regulations are the *Australian Citizenship Amendment Regulations 2005 (No. 1)*.

### 2 Commencement

These Regulations commence as follows:

- (a) on 2 April 2005 — regulations 1 to 3 and Schedule 1;
- (b) on 1 July 2005 — Schedule 2.

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

Schedules 1 and 2 amend the *Australian Citizenship Regulations 1960*.

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## Schedule 1      Amendments commencing on 2 April 2005

(regulation 3)

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

*substitute*

*authorised officer*, in relation to the exercise of a power, or the performance of a duty or function, under these Regulations, means:

- (a) an APS employee performing duties in the Department of Immigration and Multicultural and Indigenous Affairs authorised for that purpose by the Minister; or
- (b) another person, or another person included in a class of persons, authorised for that purpose by the Minister.

*Note* The *Public Service Act 1999* explains the meaning of *APS employee*.

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

*omit*

### [3]      Regulation 7

*substitute*

## 7      Citizenship by descent

For section 10B of the Act, a person's name is registered by:

- (a) the Minister, or an authorised officer, making a record of the fact that the person is an Australian citizen by descent; and
- (b) the record being included on a data storage system kept by the Department.

**[4] Regulations 7B, 7C and 7D***substitute***7B Correction of information about citizenship by descent**

If an authorised officer is satisfied that there is an error or omission in a record mentioned in paragraph 7 (a), the authorised officer must correct that error or omission.

**7C Cancellation of registration**

- (1) For section 10B of the Act, the Minister may, in writing, cancel the registration of a person's name.
- (2) However, the Minister must not cancel the registration unless:
  - (a) he or she is satisfied on reasonable grounds that the registration has been made on the basis of false information; or
  - (b) in the case of a registration relating to the birth of a person mentioned in paragraph 12 (1) (a) of the Australian Citizenship Regulations (Amendment) (Statutory Rules 1984 No. 351) — the person's name has been registered in accordance with regulation 12 of those Regulations;

and he or she considers that the purposes of the cancellation would not be achieved by a correction of the relevant information.

*Note* Regulation 12 of the Australian Citizenship Regulations (Amendment) is a transitional provision dealing with the registration of births under the Regulations before 30 November 1984.

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**[5] Regulations 7F and 7G**

*substitute*

**7F Citizenship by descent for a person aged 18 or over on 15 January 1992**

For subsection 10C (4) of the Act, a person is registered as an Australian citizen by:

- (a) the Minister making a record of the fact that the person is an Australian citizen by descent; and
- (b) the record being included on a data storage system kept by the Department.

**[6] Regulations 8A, 8B and 8C**

*omit*

**[7] Subregulation 22 (1)**

*substitute*

- (1) If the Minister cancels the registration of a person's name, the Minister must, by notice in writing given not later than 30 days after the date of the cancellation, inform the person or persons whose interests are affected by the cancellation of the cancellation and of the grounds for it.

**[8] Schedule 2, Form 2**

*omit*

## Schedule 2      Amendments commencing on 1 July 2005

(regulation 3)

### [1]      Subregulation 9 (1)

*after*

(1A),

*insert*

(1AA),

### [2]      Subregulation 9 (1A)

*substitute*

- (1A) The fee payable under subregulation (1) is \$20 if the applicant:
- (a) produces evidence, issued by Centrelink, that identifies the applicant as the recipient of at least 1 of the following:
    - (i) an age pension under Part 2.2 of the *Social Security Act 1991*;
    - (ii) a disability support pension under Part 2.3 of that Act;
    - (iii) a carer payment under Part 2.5 of that Act;
    - (iv) a mature age allowance under Part 2.12A or 2.12B of that Act;
    - (v) a special benefit under Part 2.15 of that Act which the applicant has been receiving for at least 46 of the previous 52 weeks; or
  - (b) produces evidence, issued by Centrelink, that identifies the applicant as a person who is over 60 years old at the time of application for grant of a certificate, and the recipient of at least 1 of the following for at least the period of 9 months immediately before the application:
    - (i) a widow allowance under Part 2.8A of the *Social Security Act 1991*;

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- (ii) a parenting payment under Part 2.10 of that Act;
  - (iii) a newstart allowance under Part 2.12 of that Act;
  - (iv) a sickness allowance under Part 2.14 of that Act;
  - (v) a special benefit under Part 2.15 of that Act;
  - (vi) a partner allowance under Part 2.15A of that Act; or
  - (c) produces evidence, issued by the Department of Veterans' Affairs, that identifies the applicant as the recipient of at least 1 of the following:
    - (i) an age service pension under Division 3 of Part III of the *Veterans' Entitlements Act 1986*;
    - (ii) an invalidity service pension under Division 4 of Part III of that Act;
    - (iii) an income support supplement under Part IIIA of that Act.
- (1AA) The fee payable under subregulation (1) is \$20 if the applicant:
- (a) is the partner of the recipient of a pension, allowance, payment, benefit or supplement mentioned in subregulation (1A), other than a partner allowance under Part 2.15A of the *Social Security Act 1991*; and
  - (b) produces evidence, issued by Centrelink or the Department of Veterans' Affairs, that identifies the applicant as the recipient of a means-tested pension, allowance, payment, benefit or supplement; and
  - (c) is the recipient of that means-tested pension, allowance, payment, benefit or supplement because the applicant is the partner of the recipient of a pension, allowance, payment, benefit or supplement listed in subregulation (1A), other than a partner allowance under Part 2.15A of the *Social Security Act 1991*.

**[3] Paragraph 9 (1B) (a)**

*after*

the United Kingdom

*insert*

or Malta

**Note**

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See [www.frli.gov.au](http://www.frli.gov.au).