

Christmas Island Amendment Act 1980

No. 174 of 1980

An Act to amend the *Christmas Island Act 1958*

[Assented to 17 December 1980]

BE IT ENACTED by the Queen, and the Senate and the House of Representatives of the Commonwealth of Australia, as follows:

Short title, &c.

1. (1) This Act may be cited as the *Christmas Island Amendment Act 1980*.

(2) The *Christmas Island Act 1958*¹ is in this Act referred to as the Principal Act.

Commencement

2. This Act shall come into operation on a date to be fixed by Proclamation.

3. Section 16 of the Principal Act is repealed and the following sections are substituted:

Grant of Australian citizenship to certain persons

“15A. A person (not being an Australian citizen) who—

(a) was, immediately before the proclaimed date, ordinarily resident in Christmas Island; and

(b) is ordinarily resident in Australia or an external Territory,

may make, in the prescribed manner, a declaration that he wishes to become an Australian citizen and, upon registration, as prescribed, of the declaration, the person shall become an Australian citizen.

Meaning of ‘ordinarily resident’

“16. For the purposes of sections 15 and 15A, a person shall be deemed to be, or to have been, at a particular time, ordinarily resident in a place if, at that time—

(a) he has, or had, his home at that place; or

(b) that place is, or was, the place of his permanent abode notwithstanding his temporary absence at that time from that place,

but a person shall not be deemed to be, or to have been, resident at that time in that place if, at that time, he is, or was, resident in that place for a special or temporary purpose only.”.

Formal amendments

4. The Principal Act is amended as set out in the Schedule.

SCHEDULE

Section 4

FORMAL AMENDMENTS

Provision	Amendment
Preamble	Omit “four of this Act”, substitute “4”.
Sub-section 2 (1)	Omit “of this Act”.
Sub-section 2 (4)	(a) Omit “of this Act” (first and second occurring). (b) Omit “of this section” (second occurring). (c) Omit “the next succeeding sub-section”, substitute “sub-section (5)”.
Sub-section 2 (5)	Omit “of this section”.
Section 4	(a) Omit “ten degrees thirty minutes” from the definition of “Christmas Island”, substitute “10° 30’ ”. (b) Omit “one hundred and five degrees forty minutes” from the definition of “Christmas Island”, substitute “105° 40’ ”. (c) Omit “two of this Act” from the definition of “the proclaimed date”, substitute “2”.
Sub-section 6 (2)	Omit “the next succeeding sub-section”, substitute “sub-section (3)”.
Sub-section 6 (3)	Omit “The last preceding sub-section”, substitute “Sub-section (2)”.
Sub-section 7 (2)	Omit “the last preceding sub-section”, substitute “sub-section (1)”.
Sub-section 10 (1)	Omit “fifteen”, substitute “15”.
Sub-section 10 (2)	Omit “fifteen”, substitute “15”.
Sub-section 10 (3)	Omit “fifteen”, (twice occurring), substitute “15”.
Sub-section 10 (3A)	(a) Omit “fifteen”, substitute “15”. (b) Omit “the last two preceding sub-sections”, substitute “sub-sections (2) and (3)”.
Sub-section 10 (5)	Omit “six”, substitute “6”.
Sub-section 15 (2)	Omit “the last preceding sub-section” substitute “sub-section (1)”.
Sub-section 15 (3)	Omit “of this section”.
Sub-section 15 (4)	(a) Omit “of this section”. (b) Omit “twenty-one”, substitute “21”. (c) Omit “two” (twice occurring), substitute “2”.
Sub-section 18 (2)	Omit “the last preceding sub-section”, substitute “sub-section (1)”.
Sub-section 19 (3)	(a) Omit “thirty-six”, substitute “36”. (b) Omit “twenty-nine”, substitute “29”.
Section 23	(a) Omit “One hundred dollars”, substitute “\$100”. (b) Omit “three”, substitute “3”.

NOTE

- No. 41, 1958, as amended. For previous amendments, see No. 9, 1959; No. 21, 1963; No. 131, 1965; No. 93, 1966 (as amended by No. 3, 1967); and No. 216, 1973 (as amended by No. 20, 1974).