

STATUTORY RULES.

1954. No. .

REGULATIONS UNDER THE NATIONALITY AND CITIZENSHIP ACT 1948-1953.*

I, THE GOVERNOR-GENERAL in and over the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Regulations under the *Nationality and Citizenship Act 1948-1953*.

Dated this *fifteenth*
day of *March*, 1954.

W. J. SMITH

Governor-General.

By His Excellency's Command,

Minister of State for Immigration.

AMENDMENTS OF THE CITIZENSHIP REGULATIONS.†

1. Regulation 3 of the Citizenship Regulations is amended by inserting in sub-regulation (1.), after the definition of "authorized officer", the following definition:—

"'registered agent' means a person registered under regulation 23 of these Regulations as a registered agent;".

2. Regulation 11A of the Citizenship Regulations is repealed.

Manner of taking oath of allegiance.

3. Regulation 17 of the Citizenship Regulations is amended by omitting the words "Public Notary" and inserting in their stead the words "Notary Public".

Persons before whom declarations may be made.

4. After regulation 20 of the Citizenship Regulations the following regulations are added:—

"21.—(1.) A person shall not demand or receive a fee, commission or other reward for or in relation to services rendered or to be rendered by that person in respect of an application under the Act, unless that person is a registered agent.

Unregistered agents not to charge fees.

Penalty: Fifty pounds or imprisonment for six months.

"(2.) A person is not entitled to sue for, recover or set off a fee, commission or other reward which he is prohibited by this regulation from demanding.

"22. A person, not being a registered agent, shall not, directly or indirectly—

Advertising, &c., by persons other than registered agents.

(a) describe himself as, or represent himself to be, a registered agent; or

* Notified in the *Commonwealth Gazette* on , 1954.

† Statutory Rules 1949, No. 4, as amended by Statutory Rules 1951, Nos. 46, 86 and 120.

(b) advertise in any manner that he will render services in respect of applications under the Act.

Penalty: Fifty pounds or imprisonment for six months.

“ 23.—(1.) An application for registration as a registered agent shall Registration of agents.
be—

- (a) in accordance with a form approved by the Minister ;
- (b) accompanied by a lodgment fee of One pound;
- (c) supported by such evidence of the good fame, integrity and character of the applicant as is required by the Minister or an authorized officer; and
- (d) forwarded to the Secretary or to the Commonwealth Migration Officer in the capital city of the State in which the applicant carries on business.

“ (2.) In the case of a company, the evidence referred to in the last preceding sub-regulation shall relate to every director and every manager or other administrative officer of the company.

“ (3.) If the applicant satisfies an authorized officer that he is a fit and proper person, the authorized officer may register the applicant as a registered agent.

“ (4.) Upon registration of an agent under these Regulations, the authorized officer shall issue to him a certificate of registration in accordance with Form L.

“ 24.—(1.) Subject to these Regulations, registration as an agent Duration of registration of agent. remains in force for such period as is specified in the certificate of registration, but that period may be extended from time to time upon application in accordance with a form approved by the Minister.

“ (2.) An application for an extension of a period of registration shall, at least fourteen days before the expiration of the period of registration specified in the certificate of registration, be forwarded, together with the certificate of registration, to the Secretary or to the Commonwealth Migration Officer in the capital city of the State in which the applicant carries on business as a registered agent.

“ (3.) An authorized officer has the same discretion and powers in relation to the extension of the period of an agent's registration as he has under the last preceding regulation in relation to the original registration of an agent.

“ 25.—(1.) The Minister or an authorized officer may cancel the Cancellation of registration of agent.
registration of a registered agent upon being satisfied that the agent—

- (a) has neglected the interests of a client;
- (b) has been guilty of misconduct as an agent;
- (c) is not a fit and proper person to remain registered; or
- (d) has become bankrupt,

or, in the case of a company, upon being satisfied that—

- (e) a director or the manager or other administrative officer of the company—
 - (i) has neglected the interests of a client of the company;
 - (ii) has been guilty of such misconduct as would justify the cancellation of his registration if he was a registered agent; or

(iii) is not a fit and proper person to render services in respect of applications under the Act; or

(f) the company has gone into liquidation.

“(2.) Where the Minister or an authorized officer cancels the registration of a registered agent he shall notify the person to whom the certificate of registration was issued that his registration has been cancelled.

“26.—(1.) Where the registration of a registered agent is cancelled he shall, within fourteen days after the date of the notification of the cancellation of his registration, forward the certificate of registration to the Commonwealth Migration Officer in the capital city of the State in which he carried on business as a registered agent. Return of certificate of registration.

“(2.) Where the period specified in a certificate of registration expires and is not extended, the person to whom the certificate was issued shall, within fourteen days after the date upon which the certificate ceases to be in force, return the certificate to the Commonwealth Migration Officer in the capital city of the State in which he carried on business as a registered agent.

Penalty: Fifty pounds.

“27.—(1.) The Minister may, by notice in writing given to a registered agent, fix the maximum charge that may be made by the registered agent for or in relation to any service to be rendered by him in respect of applications under the Act. Maximum fees.

“(2.) Where the Minister has so fixed the maximum charge for or in relation to any service to be rendered by a registered agent, then, notwithstanding the terms of any agreement, the registered agent shall not demand or receive for or in relation to that service an amount which, together with the amount (if any) previously received for or in relation to that service, exceeds the maximum charge so fixed.

Penalty: Fifty pounds or imprisonment for six months.

“(3.) Amounts received by a registered agent for or in relation to any such service are, to the extent that they exceed the maximum charge so fixed, repayable and may be sued for and recovered in a court of competent jurisdiction.

“28.—(1.) A registered agent shall, whenever required so to do by the Minister or an authorized officer, furnish particulars of a fee, commission or other reward charged or proposed to be charged by him, or of any agreement entered into or proposed to be entered into by him, in respect of any services in respect of an application under the Act. Registered agent liable to furnish particulars of fees, &c.

“(2.) A registered agent shall not refuse or fail to supply particulars required under this regulation or make a false statement in or in connexion with those particulars.

Penalty: Fifty pounds or imprisonment for six months.

“29.—(1.) Where a person is convicted of an offence against regulation 21, 22, 27 or 28 of these Regulations and another person has suffered loss by reason of the offence, the court by which he is convicted may, in addition to any penalty imposed upon the offender, order the offender to make to the person who suffered loss such reparation, by way of money payment or otherwise, as the court thinks just. Reparation in respect of offences.

“(2.) The several courts of the States having jurisdiction with respect to offences against these Regulations are invested with federal jurisdiction, and jurisdiction is conferred on the several courts of the Territories of the Commonwealth having jurisdiction with respect to those offences, to order reparation in accordance with the last preceding sub-regulation.”.

5. The First Schedule to the Citizenship Regulations is amended— First Schedule.

(a) by omitting from Form E the words “swears allegiance to His Majesty King George VI. his heirs and successors, and swears to observe faithfully the laws of Australia and to fulfil” and inserting in their stead the words “swears or affirms allegiance to Her Majesty Queen Elizabeth II. her heirs and successors, and swears to, or affirms that he will, observe faithfully the laws of Australia and fulfil”;

(b) by omitting from Form E the words—

“CERTIFICATE BY JUDGE, MAGISTRATE, OR OTHER JUDICIAL OFFICER.”

and inserting in their stead the words—

“CERTIFICATE BY JUDGE, MAGISTRATE OR PERSON APPROVED BY THE MINISTER.”;

(c) by omitting from Form E the words “swore allegiance to His Majesty King George VI. his heirs and successors, and swore to observe faithfully the laws of Australia and to fulfil” and inserting in their stead the words “swore (*or affirmed*) allegiance to Her Majesty Queen Elizabeth II. her heirs and successors, and swore to (*or affirmed that he would*) observe faithfully the laws of Australia and fulfil”;

(d) by omitting from Form F the words “has sworn allegiance to His Majesty his heirs and successors, and has sworn to observe faithfully the laws of Australia and to fulfil” and inserting in their stead the words “has sworn (*or affirmed*) allegiance to Her Majesty Queen Elizabeth II. her heirs and successors, and has sworn to observe (*or affirmed that he will observe*) faithfully the laws of Australia and to fulfil (*or that he will fulfil*)”; and

(e) by adding at the end thereof the following form:—

“FORM L.

Regulation 23.
Certificate No.

COMMONWEALTH OF AUSTRALIA.

CERTIFICATE OF REGISTRATION AS REGISTERED AGENT UNDER
CITIZENSHIP REGULATIONS.

This is to certify that (*name in full and occupation or profession*) of (*address*) is registered as a Registered Agent under regulation 23 of the Citizenship Regulations.

This registration shall be in force from the _____ day of _____, 19____, to the _____ day of _____, 19____.

Authorized Officer.”.

6. The Second Schedule to the Citizenship Regulations is amended—

Second
Schedule.

(a) by omitting the words—

“For the grant of a declaratory certificate of citizenship, or a certificate of registration or naturalization, to a person, or to the wife or widow of a person, who served with a good record in the Naval, Military or Air Forces of the Commonwealth in the war which commenced on the fourth day of August, 1914, or in any war in which His Majesty became engaged on or after the third day of September, 1939 No fee”

and inserting in their stead the words—

“For the grant of a declaratory certificate of citizenship, or a certificate of registration or naturalization, to—

- (a) a person, or the wife of a person, who is serving in the Naval, Military or Air Forces of the Commonwealth and has a good record, or who has at any time served in any of those Forces with a good record; or
- (b) the widow of a person who at any time served in the Naval, Military or Air Forces of the Commonwealth with a good record No fee”;

and

(b) by omitting the words and figures—

“For the grant of a certificate of naturalization to a person not of full age or to the wife or widow of an Australian citizen, not being a person referred to in the first paragraph of this Schedule, or to a person who, in the opinion of the Minister or an authorized officer, is in indigent circumstances 0 10 0”

and inserting in their stead the words and figures—

“For the grant of a certificate of naturalization to a person, not being a person in relation to whom this Schedule provides that no fee is payable for the grant of a certificate of naturalization, who—

- (a) is not of full age;
- (b) is a person referred to in paragraph (b) of sub-section (3.) of section 15 of the Act;
- (c) is the wife or widow of an Australian citizen;
- (d) is the wife of a person who has applied for a certificate of naturalization and takes the oath, or makes the affirmation, of allegiance on the same day as her husband; or
- (e) is, in the opinion of the Minister or an authorized officer, in indigent circumstances 0 10 0”.