

STATUTORY RULES.

1959. No. ²³₁.

B. J. H.

REGULATIONS UNDER THE NATIONALITY AND CITIZENSHIP ACT 1948-1958.*

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 1948-1958*.

Dated this *fifteenth*
day of *March*, 1959.

W. J. SLIM
Governor-General.

By His Excellency's Command,

E. S. Evans

Minister of State for Immigration.

AMENDMENTS OF THE CITIZENSHIP REGULATIONS.†

1. Regulation 3 of the Citizenship Regulations is amended by omitting Interpretation. from sub-regulation (1.) the definition of "the Act" and inserting in its stead the following definition:—

" 'the Act' means the *Nationality and Citizenship Act 1948-1958*; "

2. Regulation 5 of the Citizenship Regulations is repealed and the following regulation inserted in its stead:—

" 5.—(1.) In this regulation, 'Australian protected person' means a Protected persons. person—

(a) who, having been born in New Guinea or Nauru, whether before or after the commencement of this regulation, is not a British subject; or

(b) who is registered as an Australian protected person under sub-regulation (4.) of this regulation,

but does not include a person who has, in accordance with this regulation, renounced his status as, and ceased to be, an Australian protected person.

" (2.) It is declared that—

(a) an Australian protected person is, for the purposes of the Act, under the protection of the Australian Government; and

(b) a person who is, under the law of a country, or a part of a country, to which section seven of the Act applies, a British protected person or a protected person of that country or of that part of that country is, for the purposes of the Act, under the protection of the Government of that country or of that part of that country.

* Notified in the *Commonwealth Gazette* on *2nd April*, 1959.
† Statutory Rules 1956, No. 112.

“(3.) Where a woman, being an alien, has, whether before or after the commencement of this regulation, married a person who, at the time of the marriage, was an Australian protected person, she may, at any time, apply to the Minister, in the approved form, for registration as an Australian protected person.

“(4.) The Minister may, in his discretion, if he is satisfied that it is desirable so to do in all the circumstances, cause an applicant under the last preceding sub-regulation to be registered as an Australian protected person.

“(5.) An Australian protected person who is a national of a foreign country may, at any time after attaining the age of twenty-one years and whilst of sound mind, make a declaration, in a form approved by the Minister or by an authorized officer, renouncing his status as an Australian protected person.

“(6.) The person making the declaration shall forward the original declaration, together with a copy of the declaration, to the Secretary.

“(7.) The Secretary shall register the declaration and thereupon the person making the declaration shall cease to be an Australian protected person.

“(8.) The Secretary shall—

- (a) retain the original declaration;
- (b) certify in writing on the copy that it is a true copy and that it has been registered by him, stating the date of registration;
- (c) on payment of the prescribed fee, forward the copy so certified to the person who made the declaration; and
- (d) if that person is registered as an Australian protected person under sub-regulation (4.) of this regulation, cancel that registration.”.

3. Regulation 7 of the Citizenship Regulations is amended by inserting in sub-regulation (6.), after the word “Register” (second occurring), the words “, or by an authorized officer,” Registration of births abroad.

4. Regulation 8 of the Citizenship Regulations is amended—

- (a) by inserting in sub-regulation (3.), after the word “Australia” (first occurring), the words “(not being a person referred to in sub-regulation (5.) of this regulation)”; Issue of declaratory certificate of citizenship.
- (b) by inserting in sub-regulation (4.), after the word “Australia” (first occurring), the words “(not being a person referred to in the next succeeding sub-regulation)”; and
- (c) by adding at the end thereof the following sub-regulation:—
 - “(5.) Where an Australian citizen who applies for a declaratory certificate of citizenship is a person—
 - (a) who is under sixteen years of age; and
 - (b) whose name has been included in a certificate of registration in accordance with sub-section (3.) of section 12 of the Act or in a certificate of naturalization in accordance with sub-section (6.) of section 15 of the Act,

he shall furnish a statement, in writing, setting out such of the particulars specified in the last two preceding sub-regulations as an authorized officer requires.”.

5. Regulation 14 of the Citizenship Regulations is repealed and the following regulation inserted in its stead:—

“14. A declaration of desire to resume Australian citizenship under sub-section (1.) of section 23A of the Act shall be in accordance with Form JA.”.

Declaration of desire to resume citizenship under section 23A (1.).

6. Regulation 15 of the Citizenship Regulations is amended by omitting the words “section 23 of the Act” and inserting in their stead the words “sub-section (1.) of section 23B of the Act”.

Declaration of desire to resume citizenship under section 23B (1.).

7. Regulation 17 of the Citizenship Regulations is amended by omitting from sub-regulation (1.) the figures “13, 15 or 16” and inserting in their stead the figures “13, 14, 15 or 16”.

Registration of declarations.

8. Regulation 18 of the Citizenship Regulations is amended by omitting the figures “8, 13, 15 or 16” and inserting in their stead the figures “5, 8, 13, 14, 15 or 16”.

Persons before whom declarations may be made.

9. Regulation 21 of the Citizenship Regulations is amended— Fees.

- (a) by omitting from sub-paragraph (i) of paragraph (a) of sub-regulation (3.) the word “or” (last occurring);
- (b) by adding at the end of paragraph (a) of sub-regulation (3.) the following word and sub-paragraph:—
“or (iii) a person not of full age;”;
- (c) by omitting paragraph (b) of sub-regulation (3.);
- (d) by omitting from paragraph (c) of sub-regulation (3.) the words “a person who is not of full age or who is”; and
- (e) by omitting from paragraph (d) of sub-regulation (3.) the word “for” (first occurring).

10. After Form J in the Second Schedule to the Citizenship Regulations the following form is inserted:— Form JA.

FORM JA.

Regulation 14.
Section 23A.

COMMONWEALTH OF AUSTRALIA.
Nationality and Citizenship Act.

DECLARATION OF DESIRE TO RESUME AUSTRALIAN CITIZENSHIP.

I, _____, of _____, having ceased to be an Australian citizen under section 20 of the *Nationality and Citizenship Act* 1948-1955, do hereby declare that I wish to resume Australian citizenship.

(Signed)

Made and subscribed at _____ this _____ day of _____ 19____, before me—

(Signed)

(Justice of the High Court, Judge, Magistrate, Commissioner for Declarations, Justice of the Peace, Notary Public or authorized officer, as the case may be.)

11. Form K in the Second Schedule to the Citizenship Regulations is Form K. amended by omitting the word and figures "Section 23." and inserting in their stead the word and figures "Section 23B."