

STATUTORY RULES.

1963. No. 1.

REGULATIONS UNDER THE NATIONALITY AND CITIZENSHIP ACT 1948-1960.*

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 1948-1960*.

Dated this *eight*
day of *January*, 1963.

DE L'ISLE
Governor-General.

By His Excellency's Command,

Robert A. Giffman
Minister of State for Immigration.

AMENDMENTS OF THE CITIZENSHIP REGULATIONS.†

1. Regulation 5A of the Citizenship Regulations is amended—

- (a) by omitting from paragraph (b) the word "and"; and
- (b) by adding at the end thereof the following paragraphs:—
 - "(d) Tanganyika;
 - "(e) Trinidad and Tobago;
 - "(f) Uganda;
 - "(g) Jamaica; and
 - "(h) Malaysia."

Countries to which section 7 of the Act applies.

2. Regulation 7 of the Citizenship Regulations is amended—

- (a) by omitting from sub-regulation (1.) the words "For the purposes of section 11 of the Act, a Register" and inserting in their stead the words "A Register";
- (b) by inserting after sub-regulation (1.) the following sub-regulation:—
 - "(1A.) Subject to this regulation, the birth of a child born abroad who is an Australian citizen by descent by virtue of section 11 of the Act, may be registered in a Register of Births Abroad."; and
- (c) by omitting from sub-regulation (6.) the words "An extract" and inserting in their stead the words "Subject to regulation 7c of these Regulations, an extract".

Registration of births abroad.

* Notified in the *Commonwealth Gazette* on *16th January*, 1964.
† Statutory Rules 1960, No. 62, as amended by Statutory Rules 1961, No. 120.

3. After regulation 7 of the Citizenship Regulations the following regulations are inserted:—

“7A.—(1.) Subject to this regulation, where—

- (a) information with respect to the legitimation of a person whose birth is registered in a Register of Births Abroad is furnished to the prescribed officer in accordance with the Marriage Regulations; and
- (b) that officer has no reason to believe, after making such inquiries (if any) as he thinks fit to inform himself whether the person to whom the information relates is a legitimated child and the information is true and correct, that the person is not a legitimated child and that the information is not true and correct,

Re-registration
of births of
legitimated
persons.

that officer shall forward to the consul keeping that Register of Births Abroad particulars for the re-registration of the birth in that Register in accordance with the next succeeding regulation.

“ (2.) Where a parent of a legitimated child (not being a parent who has obtained an order under section ninety-two of the *Marriage Act 1961* relating to the child) has furnished information with respect to the legitimation of the child to the prescribed officer—

- (a) more than six months after the commencing date in a case where—
 - (i) the child was, under section eighty-nine or ninety of that Act, legitimated by virtue of the marriage of his parents and that marriage took place before the commencing date; or
 - (ii) the child was legitimated by virtue of section ninety-one of that Act and the parent who furnished the information had learned before the commencing date that the marriage of the parents of the child was void;
- (b) more than three months after the marriage of the parents of the child in a case where the child was, under section eighty-nine or ninety of that Act, legitimated by virtue of that marriage and that marriage took place on or after the commencing date; or
- (c) more than three months after the parent who furnished the information learned that the marriage of the parents of the child was void in a case where the parent so learned on or after the commencing date,

that officer shall not forward particulars for the re-registration of the birth of the child unless the Minister, or a person authorized by the Minister, has, by writing under his hand, approved the re-registration of the birth.

“ (3.) In this regulation—

‘information with respect to the legitimation of a person’ means such of the information indicated in the relevant form in the Schedule to the Marriage Regulations made under the *Marriage Act 1961* as is applicable in the circumstances of the particular case;

'legitimated child' means—

- (a) a person (whether born before or after the commencing date and whether the person is living or dead)—
 - (i) whose parents were not married to each other at the time of his birth but have subsequently married each other, whether before or after the commencing date; and
 - (ii) who, under section eighty-nine or ninety of the *Marriage Act 1961*, is a legitimate child of his parents by virtue of the marriage; or
- (b) a person (whether born before or after the commencing date and whether the person is living or dead)—
 - (i) who is the child of a void marriage; and
 - (ii) who is the legitimate child of his parents by virtue of section ninety-one of the *Marriage Act 1961*;

'the commencing date' means the date fixed by Proclamation under sub-section (2.) of section two of the *Marriage Act 1961*;

'prescribed officer' means the officer of the Department of Immigration keeping the Register of Births Abroad at the office of that Department in the Australian Capital Territory.

"7B.—(1.) Where the Australian consul keeping the Register of Births Abroad at an Australian consulate receives information for the re-registration of a birth that is registered in that Register, he shall, subject to the next succeeding sub-regulation re-register the birth in that Register in the manner provided by this regulation. Method of re-registering birth.

"(2.) The last preceding sub-regulation does not authorize or require an Australian consul keeping a Register of Births Abroad to re-register the birth of a person in the Register—

- (a) if the birth of the person has previously been re-registered in the Register in accordance with this regulation; or
- (b) if the birth of the person has been registered in the Register as if the person was, at the date of his birth, the legitimate child of his parents.

"(3.) Re-registration of the birth of a person under this section shall be effected—

- (a) by entering in a Register of Births Abroad such of the particulars required to be entered in the Register in relation to the person as the officer referred to in sub-regulation (1.) of the last preceding regulation has been reasonably able to ascertain;

- (b) by writing on the page of the register containing that entry a notation in accordance with the following form:—

"The birth of (*name of person*) is registered in pursuance of regulation 7B of the Citizenship Regulations.

Consul."; and

- (c) by signing that notation.

Citizenship Regulations.

“(4.) Where an Australian consul keeping a Register of Births Abroad re-registers the birth of a person under the last preceding regulation, the consul shall—

- (a) write on the page of the register containing the original entry of the birth in that Register a notation in accordance with the following form:—

“The birth of (*name of person*) has in pursuance of regulation 7B of the Citizenship Regulations been re-registered on (*reference to volume and page*) of the Register of Births Abroad, kept at this Consulate.

Consul.”;

- (b) sign that notation; and

- (c) add the date on which he signed the notation.

“(5.) The notation referred to in either of the last two preceding sub-regulations shall not be included in any copy of, or any extract from, an entry in a Register of Births Abroad issued by an Australian consul keeping the Register or by an authorized officer.

“7c. Where the birth of a person has been re-registered in a Register of Births Abroad in pursuance of the last preceding regulation, the Australian consul keeping that Register of Births Abroad or an authorized officer shall not issue to the person or to any other person a copy or an extract from the original entry of the birth of the person unless the consul or authorized officer is satisfied the copy or extract is properly required as evidence of a fact of which a copy of, or extract from, the entry of the birth of the person made in pursuance of that regulation would not be evidence.

Issue of copies of or extracts from entry of birth that has been re-registered.

“7D. An Australian consul keeping a Register of Births Abroad shall, as soon as practicable after each thirty-first day of December furnish to the Minister a copy of the entries made in that Register in accordance with these Regulations during the year ended on that day.”

Return of births registered and re-registered to be made.

4. The Second Schedule to the Citizenship Regulations is amended by omitting from Forms D, E, F, G, H and I the words “occupation” and “marital status”.

Second Schedule.