

NATURALIZATION.

No. 11 of 1903.

An Act relating to Naturalization.

[Assented to 13th October, 1903.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows :—

1. This Act may be cited as the *Naturalization Act 1903*. Short title.
2. This Act shall commence on a day to be fixed by proclamation.* Commencement.
3. In this Act, unless the contrary intention appears— Definition.
 - “ British subject ” means a natural-born British subject or a naturalized person.
 - “ Certificate of naturalization ” means a certificate of naturalization granted under this Act, and being, at the time when it is relied upon in connexion with any provision of this Act, unrevoked.
 - “ Justice of the Peace ” means a Justice of the Peace of the Commonwealth, or of a State.
 - “ Naturalized ” means naturalized under this Act.
 - “ Statutory declaration ” means a statutory declaration within the meaning of any law of the Commonwealth, or of the State in which the declaration is made, relating to statutory declarations.
 - “ The Minister ” means the Minister for External Affairs.
4. A person who has before the passing of this Act obtained in a State or in a colony which has become a State a certificate of naturalization or letters of naturalization shall be deemed to be naturalized. Person naturalized in a State deemed to be naturalized.
5. A person resident in the Commonwealth, not being a British subject, and not being an aboriginal native of Asia, Africa, or the Islands of the Pacific, excepting New Zealand, who intends to settle in the Commonwealth, and who— Persons who may apply for certificate of naturalization. Cf. U.K., Natur. Act 1870, s. 7. N.S.W., 1898, No. 21, ss. 5, 9. Vic. No. 1063, ss. 5, 9; No. 1462, s. 6. S.A. 1864, No. 5, ss. 7, 12. W.A. 35 Vic., No. 2, s. 4.
 - (a) has resided in Australia continuously for two years immediately preceding the application ; or
 - (b) has obtained in the United Kingdom a certificate of naturalization or letters of naturalization,

may apply to the Governor-General for a certificate of naturalization.

* Proclaimed to commence 1st January, 1904. See *Gazette*, 14th November, 1903.

Evidence in support of application.

N.S.W. 1898, No. 21, s. 5 (2).
S.A. 1864, No. 5, s. 9.

6.—(1) An applicant under paragraph (a) of the preceding section shall produce in support of his application—

- (a) his own statutory declaration stating his name, age, birth-place, occupation, and residence, the length of his residence in Australia, and that he intends to settle in the Commonwealth; and
- (b) a certificate signed by a Justice of the Peace a postmaster, a teacher of a State school, or an officer of police, that the applicant is known to him, and is a person of good repute.

N.S.W. ib. s. 9.

(2) An applicant under paragraph (b) of the preceding section shall produce in support of his application—

- (a) his certificate or letters of naturalization; and
- (b) his own statutory declaration that he is the person named in the certificate or letters, that he obtained the certificate or letters without any fraud or intentional false statement, that the signature and the seal (if any) thereto are, to the best of his knowledge and belief, genuine, and that he intends to settle in the Commonwealth.

Governor-General may grant or withhold certificate.

Cf. U.K. *Naturalization Act* 1870, s. 7.

N.S.W. ib. s. 5 (3).

7. The Governor-General in Council, if satisfied with the evidence adduced, shall consider the application, and may, with or without assigning any reason, in his discretion grant or withhold a certificate of naturalization, as he thinks most conducive to the public good.

Provided that in the case of an applicant who has not obtained in the United Kingdom a certificate of naturalization or letters of naturalization, the Governor-General shall not issue the certificate until he has received from the applicant the certificate of a Justice of the High Court, of a Judge of a Court of a State, or a Police, Stipendiary, or Special Magistrate, that the applicant has before him taken an oath or affirmation of allegiance in the form in the Schedule to the Constitution.

Effect of certificate of naturalization.

See U.K. ib. s. 7.
N.S.W. ib. s. 7.

8. A person to whom a certificate of naturalization is granted shall in the Commonwealth be entitled to all political and other rights powers and privileges and be subject to all obligations to which a natural-born British subject is entitled or subject in the Commonwealth.

Provided that where by any provision of the Constitution or of any Act or State Constitution or Act a distinction is made between the rights powers or privileges of natural-born British subjects and those of persons naturalized in the Commonwealth or in a State, the rights powers and privileges conferred by this section shall for the purposes of that provision be only those (if any) to which persons so naturalized are therein expressed to be entitled.

Naturalization of women by marriage.

Cf. N.S.W. ib. s. 8.
Vic. No. 1063, s. 6.
Qu. 31 Vic. No. 28, s. 2.
S.A. ib. s. 8.
Tas. 25 Vic. No. 2, s. 14.

9. A woman who, not being a British subject, marries a British subject, shall in the Commonwealth be deemed to be thereby naturalized, and have the same rights powers and privileges, and be subject to the same obligations, as a person who has obtained a certificate of naturalization

10. An infant, not being a natural-born British subject—

- (a) whose father, or whose mother (being a widow or divorced), has obtained a certificate of naturalization ; or
- (b) whose mother is married to a natural-born British subject or to a person who has obtained a certificate of naturalization ;

Children of naturalized persons.
Cf. U.K. ib. s. 10 (5).
N.S.W. ib. s. 8 (3).

and who has at any time resided in Australia with such father or mother, shall in the Commonwealth be deemed to be naturalized and have the same rights powers and privileges, and be subject to the same obligations, as a person who has obtained a certificate of naturalization.

11. Where it is proved to the satisfaction of the Governor-General that a certificate of naturalization has been obtained by any untrue statement of fact or intention, the Governor-General may revoke the certificate, which shall thereupon be and be taken to have been of no effect with respect either to the person who obtained the certificate or to any person naturalized by virtue thereof, and shall on demand be delivered up to the Minister.

Revocation of certificate.

Provided that the revocation shall not affect rights previously acquired by any other person.

12. (1) The Minister shall—

- (a) Enrol as of record memorials of all certificates of naturalization granted under this Act ;
- (b) Cancel all certificates of naturalization which have been revoked ;
- (c) Cause to be made indexes of the certificates of naturalization and permit any person at all reasonable times to inspect the indexes and to make copies of the certificates on payment of the prescribed fee ;
- (d) Cause to be laid before both Houses of the Parliament annually a return showing the number of persons to whom certificates of naturalization have been granted under this Act, the nations to which they belonged, and whence they came.

Record of certificate and fees.
N.S.W. ib. s. 10.

(2) A person to whom a certificate of naturalization is granted shall not be liable to any fee or charge in respect thereof.

13. From the commencement of this Act the right to issue certificates of naturalization in the Commonwealth shall be exclusively vested in the Government of the Commonwealth, and no certificate of naturalization or letters of naturalization issued after the commencement of this Act under any State Act shall be of any effect.

Exclusive power of Commonwealth.

14.—(1) The Governor-General may make regulations prescribing all matters which by this Act are required or permitted to be prescribed, or which are necessary or convenient to be prescribed for giving effect to this Act.

Regulations.

(2) All such regulations shall be notified in the *Gazette*, and shall thereupon have the force of law.

(3) All such regulations shall be laid before both Houses of the Parliament within thirty days after the making thereof, if the Parliament be then sitting, and if not, then within thirty days after the next meeting of the Parliament.
