

# NATIONALITY AND CITIZENSHIP.

No. 1 of 1955.

## An Act to amend the *Nationality and Citizenship Act 1948-1953.*

[Assented to 11th May, 1955.]

**B**E it enacted by the Queen's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows :—

1.—(1.) This Act may be cited as the *Nationality and Citizenship Act 1955.* Short title and citation.

(2.) The *Nationality and Citizenship Act 1948-1953\** is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *Nationality and Citizenship Act 1948-1955.*

2. Except as otherwise provided in this Act, this Act shall come into operation on the day on which it receives the Royal Assent. Commencement.

3. Section seven of the Principal Act is amended by omitting from sub-section (2.) the word "Newfoundland," British nationality by virtue of citizenship.

\* Act No. 83, 1948, as amended by No. 58, 1950 ; No. 70, 1952 ; and No. 85, 1953.

Registration  
as Australian  
citizens.' 2

4. Section twelve of the Principal Act is amended—

- (a) by omitting from paragraph (b) of sub-section (1.) the words “the application” and inserting in their stead the words “the grant of the certificate”; and
- (b) by omitting sub-sections (2.) and (3.) and inserting in their stead the following sub-sections:—

“(2.) Notwithstanding anything contained in the last preceding sub-section, the Minister may, upon application in the approved form, grant a certificate of registration as an Australian citizen to a person who is a citizen of a country to which section seven of this Act applies or an Irish citizen and satisfies the Minister—

- (a) that he or she is not of full age;
- (b) that she is the wife or widow, or that he is the husband or widower, of an Australian citizen or of a person who would, but for his or her death, have become an Australian citizen under section twenty-five of this Act; or
- (c) that he or she was formerly an Australian citizen or was born in Australia.

“(3.) The Minister may, upon application in the approved form, include in a certificate of registration, either at the time of granting the certificate or by later amending the certificate, the name of a child who has not attained the age of sixteen years and of whom the grantee is the responsible parent or guardian.”

5.—(1.) Section fourteen of the Principal Act is repealed and the following section inserted in its stead:—

Declaration of  
intention to  
apply for, and  
application for,  
certificate of  
naturalization.

“14.—(1.) An alien or protected person may, not earlier than one year after his entry into Australia or New Guinea, make a declaration in the approved form of his intention to apply for the grant to him of a certificate of naturalization as an Australian citizen.

“(2.) An alien or protected person may apply in the approved form for the grant to him of a certificate of naturalization as an Australian citizen.

“(3.) An application under the last preceding sub-section may be made whether or not the applicant has previously made a declaration under sub-section (1.) of this section, but shall not be made more than six months before the earliest date on which the Minister, under the provisions of the next succeeding section, could become empowered to grant the certificate.”

(2.) An application for the grant of a certificate of naturalization duly made before the date of commencement of this section in accordance with the section repealed by this section and pending at that date shall be deemed to have been duly made under the section inserted in the Principal Act by this section.

## 6. Section fifteen of the Principal Act is amended—

Citizenship by naturalization.

- (a) by omitting from paragraph (b) of sub-section (1.) the words “the application” and inserting in their stead the words “the grant of the certificate”; and
- (b) by omitting sub-sections (4.) and (5.) and inserting in their stead the following sub-sections:—

“(4.) Notwithstanding anything contained in the last preceding section or in sub-section (1.) of this section, the Minister may, upon application in the approved form, grant a certificate of naturalization as an Australian citizen to an alien who satisfies him—

- (a) that she is the wife or widow, or that he is the husband or widower, of an Australian citizen or of a person who would, but for his or her death, have become an Australian citizen under section twenty-five of this Act; or
- (b) that he or she was formerly an Australian citizen or was born in Australia.

“(5.) Except in cases to which the Minister considers that, by reason of special circumstances, this sub-section should not apply, a certificate of naturalization shall not be granted before the expiration of six months after the date of the application.

“(6.) The Minister may, upon application in the approved form, include in a certificate of naturalization, either at the time of granting the certificate or by later amending the certificate, the name of a child who has not attained the age of sixteen years and of whom the grantee is the responsible parent or guardian.”.

7. Section twenty-five of the Principal Act is amended by inserting in sub-section (4A.), after the word “of” (first occurring), the words “sub-section (2.) of section twelve or sub-section (4.) of section fifteen of this Act or”.

Transitional provisions.

8.—(1.) Section twenty-nine of the Principal Act is amended by inserting after the word “twenty-one” the words “, or who is or has been the wife of a person to whom such a certificate was granted”.

Wives and children of persons naturalized before 1st January, 1921.

(2.) The amendment made by the last preceding sub-section shall be deemed to have come into operation on the day on which the *Nationality and Citizenship Act 1948* came into operation.

9. Section thirty-one of the Principal Act is repealed.

Repeal of section thirty-one.

10. Section thirty-six of the Principal Act is amended by omitting sub-section (1.).

Evidence in support of application for registration or naturalization.

11. Section thirty-seven of the Principal Act is amended by omitting from sub-section (1.) the words “, or has advertised his intention to apply,”.

Representations to Minister regarding applicants.

12. After section forty of the Principal Act the following section is inserted :—

Delegation by  
Minister.

“ 40A.—(1.) The Minister may, either generally or in relation to a particular matter or class of matters, by writing under his hand, delegate any of his powers and functions under this Act (except this power of delegation).

“(2.) A power or function so delegated may be exercised or performed by the delegate either generally, or with respect to the matter, or to matters included in the class of matters, specified in the instrument of delegation, as the case may be.

“(3.) A delegation under this section is revocable at will and does not prevent the exercise of a power or the performance of a function by the Minister.”

13. Section forty-six of the Principal Act is repealed and the following section inserted in its stead :—

Issue and proof  
of certificates of  
naturalization,  
&c.

“ 46.—(1.) A certificate of naturalization or a certificate of registration granted by the Minister (including a delegate of the Minister) may be issued by a person authorized in writing by the Minister to issue such certificates.

“(2.) A document purporting to be a certificate of naturalization or a certificate of registration, and purporting to bear the printed or stamped signature of the Minister and to be issued by a person by authority of the Minister shall, unless it is proved not to have been issued by authority of the Minister (including a delegate of the Minister), be deemed to be a certificate of naturalization or a certificate of registration, as the case may be, granted under this Act.

“(3.) A certificate of registration, a certificate of naturalization or an order under this Act may be proved in legal proceedings by the production of a copy of the original certificate or order certified by the Minister, or by a person authorized in writing by the Minister to give such certificates, to be a true copy.”

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