

NATIONALITY AND CITIZENSHIP.

No. 85 of 1953.

An Act to amend the *Nationality and Citizenship Act 1948-1952.*

[Assented to 11th December, 1953.]

[Date of commencement, 8th January, 1954.]

BE 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 1953.* Short title and citation.

(2.) The *Nationality and Citizenship Act 1948-1952** 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 1948-1953.*

2. Section five of the Principal Act is amended—

Definitions.

(a) by omitting from sub-section (1.) the definition of "Australia" and inserting in its stead the following definition :—

“ ‘Australia’ includes the Territories of the Commonwealth that are not trust territories ; ” ; and

(b) by inserting in sub-section (1.), after the definition of "Territory", the following definition :—

“ ‘the approved form’ means a form approved by the Minister ; ”.

3. Section twelve of the Principal Act is amended by omitting from sub-sections (2.) and (3.) the words "prescribed form" and inserting in their stead the words "approved form". Registration as Australian citizens.

4. Section fourteen of the Principal Act is amended by omitting from sub-section (2.) the words "prescribed form" and inserting in their stead the words "approved form". Declaration intention to apply for naturalization.

5. Section fifteen of the Principal Act is amended—

Citizenship by naturalization.

(a) by inserting after sub-section (2A.) the following sub-section :—

“ (2B.) Where a person served as a member of a unit of the armed forces of a foreign country in the war that commenced on the third day of September, One thousand nine hundred and thirty-nine, or any other war in which Australia became engaged after that date and before the

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

second day of September, One thousand nine hundred and forty-five, his service as such a member for a period during which the unit was under the command of a person who—

(a) was a British subject ; and

(b) was appointed to his command in pursuance of a joint decision of the Governments of two or more of the Allied Powers,

shall, for the purposes of sub-section (2.) of this section, be deemed to have been service under the Government of a country to which section seven of this Act applies.” ;

(b) by omitting sub-section (3.) and inserting in its stead the following sub-section :—

“ (3.) Notwithstanding anything contained in the preceding provisions of this Division, the Minister may, upon application in the approved form and if he considers that there are circumstances which justify his so doing, grant a certificate of naturalization as an Australian citizen to an alien or a protected person—

(a) who is not of full age ; or

(b) who is of full age but, before becoming of full age—

(i) made the application under this sub-section ; or

(ii) made a declaration of intention to apply for the grant of a certificate of naturalization as an Australian citizen in accordance with sub-section (1.) of the last preceding section.” ; and

(c) by omitting from sub-sections (4.) and (5.) the words “ prescribed form ” and inserting in their stead the words “ approved form ”.

**Effect of
naturalization.**

6. Section sixteen of the Principal Act is amended by omitting sub-section (1.) and inserting in its stead the following sub-sections :—

“ (1.) A person to whom a certificate of naturalization has been granted under this Division shall be an Australian citizen by naturalization—

(a) in the case of a person who has attained the age of sixteen years—as from the date upon which—

(i) he takes an oath of allegiance ; or

(ii) in the case of a person who conscientiously objects to take an oath, he makes an affirmation of allegiance,

in the manner provided by this section and in accordance with the form contained in the Second Schedule to this Act ; or

(b) in the case of a person who has not attained that age—as from the date upon which the certificate is granted.

“(1A.) An oath or affirmation of allegiance referred to in the last preceding sub-section shall—

- (a) be taken or made before a Judge or Magistrate holding office under the law of the Commonwealth or of a State or Territory or before a person, or a person included in a class of persons, approved by the Minister; and
- (b) if the Minister has made arrangements in pursuance of section forty-one of this Act for it to be taken or made in public, be taken or made in accordance with those arrangements, unless the Minister otherwise permits.”.

7.—(1.) Section twenty-five of the Principal Act is amended by inserting after sub-section (4.) the following sub-section :—

Transitional provisions.

“(4A.) In determining, for the purposes of paragraph (b) of the last preceding sub-section, whether a person would, but for his death, have become an Australian citizen under this section, it shall be assumed that if he had lived he would have continued to be ordinarily resident in the place where he was ordinarily resident immediately before his death, but that nothing else which could have affected his eligibility for Australian citizenship would have occurred between the date of his death and the date of commencement of this Act.”.

(2.) The amendment effected by the last preceding sub-section shall be deemed to have come into operation on the twenty-sixth day of January, One thousand nine hundred and forty-nine.

8. Section thirty-two of the Principal Act is amended by omitting from sub-section (1.) the words “prescribed form” and inserting in their stead the words “approved form”.

Certificate of registration or naturalization in case of doubt.

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

“41. The Minister may make arrangements for the oath or affirmation of allegiance referred to in section sixteen of this Act to be taken or made in public and to be accompanied by proceedings designed to impress upon applicants the responsibilities and privileges of Australian citizenship.”.

Formalities regarding oath or affirmation of allegiance.

10. Section fifty-three of the Principal Act is amended by inserting in paragraph (c), after the word “allegiance”, the words “and the making of an affirmation of allegiance”.

Regulations.

11. The Second Schedule to the Principal Act is repealed and the following Schedule inserted in its stead :—

Second Schedule.

“SECOND SCHEDULE.

Section 16.

OATH OF ALLEGIANCE.

I, *A.B.*, swear by Almighty God that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her heirs and successors according to law, and that I will faithfully observe the laws of Australia and fulfil my duties as an Australian citizen.

AFFIRMATION OF ALLEGIANCE.

I, *A.B.*, solemnly and sincerely promise and declare that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her heirs and successors according to law, and that I will faithfully observe the laws of Australia and fulfil my duties as an Australian citizen.”.