

NATIONALITY AND CITIZENSHIP.

No. 63 of 1958.

An Act to amend the *Nationality and Citizenship Act* 1948-1955.

[Assented to 8th October, 1958.]

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

Short title
and citation.

1.—(1.) This Act may be cited as the *Nationality and Citizenship Act* 1958.

(2.) The *Nationality and Citizenship Act* 1948-1955* 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* 1948-1958.

Commence-
ment.

2.—(1.) Subject to the next succeeding sub-section, this Act shall come into operation on the day on which it receives the Royal Assent.

(2.) Section nine of this Act shall come into operation on the day on which Part II. of the *Migration Act* 1958 comes into operation.

* Act No. 83, 1948, as amended by No. 58, 1950; No. 70, 1952; No. 85, 1953; and No. 1, 1955.

3. Section four of the Principal Act is repealed and the following section inserted in its stead:—

“ 4. This Act is divided into Parts, as follows:—

Parts.

Part I.—Preliminary (Sections 1–6).

Part II.—British Nationality (Sections 7–9).

Part III.—Australian Citizenship.

Division 1.—Citizenship by Birth or Descent (Sections 10–11).

Division 2.—Citizenship by Registration (Sections 12–13).

Division 3.—Citizenship by Naturalization (Sections 14–16).

Division 4.—Loss of Citizenship (Sections 17–23B).

Part IV.—Transitional Provisions (Sections 24–30).

Part V.—Miscellaneous (Sections 32–53).”

4.—(1.) Section five of the Principal Act is amended—

Interpretation.

(a) by omitting from sub-section (1.) the definition of “ protected person ”;

(b) by inserting in sub-section (1.), after the definition of “ the Australian Government ”, the following definition:—

“ ‘ the Secretary ’ means the Secretary to the Department of Immigration;”;

(c) by inserting after sub-section (3.) the following sub-section:—

“ (3A.) For the purposes of this Act, a protected person is a person declared by the regulations to be, for the purposes of this Act, under the protection of the Australian Government or of the Government of a country, or of a part of a country, to which section seven of this Act applies.”

(2.) A person who, immediately before the commencement of this section, was a protected person for the purposes of the Principal Act shall, by force of this sub-section, be deemed to be a protected person for the purposes of the Principal Act as amended by this Act until regulations for the purposes of sub-section (3A.) of section five of the Principal Act as so amended take effect.

5. Section seven of the Principal Act is amended by omitting sub-section (2.) and inserting in its stead the following sub-section:—

British nationality by virtue of citizenship.

“ (2.) The countries to which this section applies are—

(a) the United Kingdom and Colonies;

(b) Canada;

- (c) New Zealand;
- (d) the Union of South Africa;
- (e) India;
- (f) Pakistan;
- (g) Ceylon;
- (h) the Federation of Rhodesia and Nyasaland;
- (i) Ghana;
- (j) the Federation of Malaya,

and any other country declared by the regulations to be a country within the Commonwealth of Nations to which this section applies.”.

Loss of
citizenship by
residence
outside
Australia.

6. Section twenty of the Principal Act is repealed.

7. Sections twenty-one and twenty-two of the Principal Act are repealed and the following section is inserted in their stead:—

Deprivation of
citizenship.

“ 21. Where—

- (a) a person who is an Australian citizen by virtue of a certificate of registration or a certificate of naturalization has, whether before or after the commencement of this section, been convicted of an offence against section fifty of this Act in relation to the application for his certificate of registration or his certificate of naturalization; and
- (b) the Minister is satisfied that it would be contrary to the public interest for the person to continue to be an Australian citizen,

the Minister may, by order, deprive the person of his Australian citizenship, and the person shall, upon the making of the order, cease to be an Australian citizen.”.

8. Section twenty-three of the Principal Act is repealed and the following sections are inserted in its stead:—

Children of
persons who
lose or are
deprived of
citizenship.

“ 23.—(1.) Where—

- (a) the responsible parent or the guardian of a child not of full age ceases to be an Australian citizen under section seventeen, eighteen or nineteen of this Act; and
- (b) that child is, under the law of a country outside Australia, a national or citizen of that country immediately after the time when his responsible parent or his guardian ceases to be an Australian citizen,

that child shall cease to be an Australian citizen from that time.

“(2.) Where a person is deprived of his Australian citizenship under section twenty-one of this Act, the Minister may, by order, direct that all or any of the children of whom that person is the responsible parent or the guardian and who are not of full age shall cease to be Australian citizens, and the children in respect of whom the order is made shall, upon the making of the order, cease to be Australian citizens.

“23A.—(1.) A person who, under section twenty of the *Nationality and Citizenship Act 1948–1955*, ceased to be an Australian citizen may, within one year after the date of commencement of this section or the date on which he attains the age of twenty-one years, whichever is the later, or within such further period as the Minister, in special circumstances, allows, make and furnish to the Secretary a declaration in accordance with the prescribed form that he wishes to resume Australian citizenship.

Persons may resume citizenship lost under s. 20.

“(2.) The Secretary shall register the declaration in the prescribed manner and, upon the registration of the declaration, the person making the declaration again becomes an Australian citizen.

“23B.—(1.) A person who, under section twenty-three of this Act, has ceased or ceases to be an Australian citizen may, within one year after attaining the age of twenty-one years or within such further period as the Minister, in special circumstances, allows, make and furnish to the Secretary a declaration in accordance with the prescribed form that he wishes to resume Australian citizenship.

Persons may resume citizenship lost under s. 23.

“(2.) The Secretary shall register the declaration in the prescribed manner and, upon the registration of the declaration, the person making the declaration again becomes an Australian citizen.”.

9. Section twenty-five of the Principal Act is amended by omitting sub-section (7.) and inserting in its stead the following sub-section:—

Transitional provisions.

“(7.) A person who enters Australia after the commencement of Part II. of the *Migration Act 1958* and, at the time of his entry, is—

- (a) a prohibited immigrant within the meaning of that Act; or
- (b) the holder, within the meaning of that Act, of a temporary entry permit granted under that Act,

shall not become an Australian citizen under this section.”.

Citizenship of
children who
cease to be
British subjects
on loss of
British
nationality of
parent.

10. Section thirty of the Principal Act is amended—

- (a) by omitting from sub-section (2.) the words “ a declaration in the prescribed manner,” and inserting in their stead the words “ and furnishes to the Secretary a declaration in accordance with the prescribed form ”; and
- (b) by omitting from sub-section (2.) the word “ Minister ” (second occurring) and inserting in its stead the word “ Secretary ”.

11. Section fifty of the Principal Act is repealed and the following section inserted in its stead:—

False
representations,
&c.

“ 50.—(1.) A person shall not, for a purpose of or in relation to this Act—

- (a) make, or cause or permit to be made, a representation which is, to his knowledge, false or a statement which is, to his knowledge, false in a material particular; or
- (b) conceal, or cause or permit to be concealed, a material circumstance.

Penalty : One hundred pounds or imprisonment for three months.

“ (2.) A prosecution for an offence against the last preceding sub-section may be commenced at any time within ten years after the commission of the offence.”.
