
NATURALIZATION.

No. 25 of 1917.

An Act to amend the *Naturalization Act* 1903.

[Assented to 20th September, 1917.]

BE it enacted by the King'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 *Naturalization Act* 1917.
- (2.) The *Naturalization Act* 1903 is in this Act referred to as the Principal Act.
- (3.) The Principal Act, as amended by this Act, may be cited as the *Naturalization Act* 1903–1917.^(a)

Amendment of section 3.

2. Section three of the Principal Act is amended by omitting from the definition of “The Minister” the words “External Affairs” and inserting in their stead the words “Home and Territories”.

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 Section four of the Principal Act is repealed and the following section inserted in its stead:—

Person naturalized in a State deemed to be naturalized.

- “4. A person who was before the passing of this Act naturalized in a State or in a Colony which has become a State shall be deemed to be naturalized.”

(a) For copy of *Naturalization Act* 1903–1917 see p. 172 *infra*.

4. Section six of the Principal Act is repealed and the following sections inserted in its stead :—

“ 6.—(1.) An applicant under paragraph (a) of the preceding section shall produce in support of his application his own statutory declaration stating his name, age, birthplace, occupation and residence, the length of his residence in Australia, and such other particulars as are prescribed, and that he intends to settle in the Commonwealth. Evidence in support of application.

“ (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 seal (if any) thereto are to the best of his knowledge and belief genuine, and such other particulars as are prescribed, and that he intends to settle in the Commonwealth.

“ (3.) In addition to compliance with the preceding provisions of this section an applicant shall—

- (a) advertise in the manner prescribed his intention to seek naturalization and produce to the Minister newspapers containing copies of the prescribed advertisement ;
- (b) produce certificates of character from three natural-born British subjects, two of whom are householders and one of whom is a justice of the peace, a postmaster, a teacher of a State school or an officer of police ; and
- (c) satisfy the Minister that he is able to read and write English.

“ 6A.—(1.) Any person may make representations to the Minister with regard to any person who has applied or has advertised his intention to apply for naturalization. Representations to Minister with regard to any person who has applied for naturalization.

“ (2.) The representations shall be in the form of a statutory declaration.

“ (3.) The contents of any statutory declaration filed with the Minister in pursuance of this section shall not be disclosed to any person without the consent of the person making the declaration other than for the purpose of a prosecution for perjury.

“ (4.) Any person may, on payment of the prescribed fee, inspect any certificate produced in pursuance of the last preceding subsection.”

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

“ 7. The Governor-General shall consider the application and any representations made under the last preceding section, and may, with or without assigning any reason, grant or withhold a certificate of naturalization as he thinks most conducive to the public good : Governor-General may grant or withhold certificate.

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

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

Children of
naturalized
persons.

" 10. A person (not being a natural-born British subject)—

- (a) whose father, or whose mother (being a widow or divorcee) was naturalized under the law of the Commonwealth or of a State ; or
- (b) whose mother has married a natural-born British subject, or a person who is naturalized under the law of the Commonwealth or of a State,

and who at the time of such naturalization of his father or mother, or of such marriage of his mother, was an infant, and has at any time during infancy 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.

" Provided that, until a day to be fixed by proclamation, this section shall not apply to persons who are enemy subjects at the date of the commencement of this section."

Amendment
of s. 11 of
Principal Act.

7. Section eleven of the Principal Act is amended by omitting the words " 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 " and by inserting in their stead the following :—

- " (a) 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 ; or
- (b) the Governor-General is satisfied that it is desirable for any reason that a certificate of naturalization should be revoked." ;

and by omitting the proviso thereto and inserting in its stead the following sub-sections :—

" (2.) Where a certificate of naturalization is revoked the Governor-General may by order declare that the wife of the person whose certificate is revoked and any minor children of that person who have acquired British nationality pursuant to this Act shall cease to be British subjects and such persons shall thereupon become aliens, but save as in this sub-section provided the nationality

of the wife and minor children of a person whose certificate is revoked shall not be affected by the revocation and they shall remain British subjects :

Provided that it shall be lawful for any such wife within six months after the date of the order of revocation to make a declaration of alienage and on making that declaration she and any minor children of her husband and herself who have acquired British nationality pursuant to this Act shall cease to be British subjects and shall become aliens :

Provided further that it shall be lawful for any such minor child within six months after attaining the age of twenty-one years to make a declaration of alienage and thereupon he shall cease to be a British subject and shall become an alien."

8. Section twelve of the Principal Act is amended by adding at the end of sub-section (1.) thereof the following paragraph :—

Amendment
of s. 12 of
Principal Act

"and (e) cause to be published in the *Gazette* from time to time a list of persons naturalized with their addresses."
