
NATIONALITY.

No. 62 of 1936.

An Act to amend the *Nationality Act 1920-1930*.

[Assented to 1st December, 1936.]

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.—(1.) This Act may be cited as the *Nationality Act 1936*. Short title and citation.
- (2.) The *Nationality Act 1920-1930** 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 Act 1920-1936*.
2. This Act shall commence on a date to be fixed by Proclamation. Commencement.
3. The Principal Act is amended as set out in the Schedule to this Act. Amendment of sections specified in Schedule.
4. Section five of the Principal Act is amended by omitting the definition of "The Minister". Definitions.

* Act No. 48, 1920, as amended by No. 24, 1922 ; No. 10, 1925 ; and No. 9, 1930.

Adoption of
Part II. of
British Act.

5. Section seventeen of the Principal Act is amended—

(a) by omitting from sub-section (2.) the words “Any power which, under” and inserting in their stead the words “The power which, under sub-section (4.) of section seven of”; and

(b) by adding at the end thereof the following sub-section :—

“(3.) Any other power which, under Part II. of the British Act, is exercisable by the Secretary of State, shall be vested in and exercisable by the Minister.”.

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 Section eighteen of the Principal Act is repealed and the following section inserted in its stead :—

National status
of married
women.

“18.—(1.) Subject to the provisions of this section, the wife of a British subject shall be deemed to be a British subject, and the wife of an alien shall be deemed to be an alien.

“(2.) Where a woman has (whether before or after the commencement of this Act) married an alien, and was immediately before her marriage a British subject, she shall not, by reason only of her marriage, be deemed to have ceased to be a British subject unless, by reason of her marriage, she acquired the nationality of her husband.

“(3.) Where a man has, during the continuance of his marriage, ceased (whether before or after the commencement of this Act) to be a British subject, his wife shall not, by reason only of that fact, be deemed to have ceased to be a British subject unless, by reason of the acquisition by her husband of a new nationality, she also acquired that nationality.

“(4.) Where a man ceases, during the continuance of his marriage, to be a British subject and, by reason of his acquisition of a new nationality, his wife also acquires that nationality, she may, whether her marriage is still continuing or not, within one year from the date on which she so acquired such nationality, or within such further time as the Minister in special circumstances allows, make a declaration that she desires to retain British nationality, and thereupon she shall be deemed to have remained a British subject.

“(5.) Where, after the thirty-first day of March, One thousand nine hundred and thirty-seven, a certificate of naturalization is granted to an alien, his wife, if she is not already a British subject, shall not be deemed to be a British subject, unless, within one year from the date of such certificate, or within such further time as the Minister in special circumstances allows, she makes a declaration that she desires to acquire British nationality.

“(6.) Where an alien is a subject of a state at war with His Majesty, it shall be lawful for his wife, if she was a natural-born British subject, to make a declaration that she desires to resume British nationality, and thereupon the Minister, if he is satisfied that it is desirable that she be permitted to do so, may grant her a certificate of naturalization.”.

7. After section eighteen of the Principal Act the following section is inserted :—

“ 18A.—(1.) This section shall apply to every woman who at the time of her marriage to an alien, whether before or after the commencement of this section, was a British subject and who, by reason of her marriage, has acquired the nationality of her husband.

Special provisions as to married women who by reason of their marriage to aliens have acquired the nationality of their husbands.

“(2.) Any woman to whom this section applies, whether her marriage is still continuing or not, may—

- (a) in the case of a woman married to an alien before the commencement of this section, at any time within twelve months after the commencement of this section,
- (b) in the case of a woman married to an alien after the commencement of this section, within twelve months after the date of her marriage, or
- (c) in either case, at such later time as the Minister in special circumstances allows,

make a declaration in the prescribed form and manner that she desires to retain while in Australia or any Territory the rights of a British subject, and thereupon she shall, within Australia or any Territory, be entitled to all political and other rights, powers, and privileges, and be subject to all obligations, duties and liabilities, to which a natural-born British subject is entitled or subject.”.

8. Section thirty-four of the Principal Act is amended by inserting in sub-section (1.) after the word “issued” the words “under this Act or”.

Amendment of certificates.

THE SCHEDULE.

AMENDMENTS TO THE PRINCIPAL ACT.

Section.	Amendment.
7	Omit “ Governor-General ” (wherever occurring), insert “ Minister ”.
8	Omit “ Governor-General ” (wherever occurring), insert “ Minister ”.
9	Omit “ Governor-General ”, insert “ Minister ”.
10	Omit “ Governor-General ” (wherever occurring), insert “ Minister ”.
11	Omit “ Governor-General ”, insert “ Minister ”.
12	Omit “ Governor-General ” (wherever occurring in sub-sections (1.), (2.), (3.), (4.), (7) and (8.)), insert “ Minister ”.
13	Omit “ Governor-General ” (wherever occurring), insert “ Minister ”.
18	Omit “ Governor-General ”, insert “ Minister ”.
27	Omit “ Governor-General ”, insert “ Minister ”.
28	Omit “ Governor-General ”, insert “ Minister ”.
29	Omit “ Governor-General ” (first occurring), insert “ Minister ”.
34	Omit “ Governor-General ”, insert “ Minister ”.