

Nationality and Citizenship

No. 11 of 1966

An Act to amend the *Nationality and Citizenship Act* 1948–1960.

[Assented to 6 May, 1966]

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* 1966.

(2.) The *Nationality and Citizenship Act* 1948–1960* 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* 1948–1966.

Commencement.

2. This Act shall come into operation on the day on which it receives the Royal Assent.

Definitions.

3.—(1.) Section 5 of the Principal Act is amended by omitting from sub-section (1.) the definition of “Australian consulate” and inserting in its stead the following definition:—

“ ‘Australian consulate’ means—

- (a) the office of a diplomatic or consular officer of the Australian Government at which a register of births is kept;
- (b) an office in New Guinea or in a country in which there is no office of a kind referred to in the last preceding paragraph, being an office approved by the Minister; or
- (c) an office of the Department of Immigration, whether the office is situated in or outside Australia;”.

(2.) An office of the Department of Immigration at which a register of births was kept at any time before the commencement of this section shall, for the purposes of the *Nationality and Citizenship Act* 1948 or that Act as amended, be deemed to have been, at that time, an Australian Consulate.

* Act No. 83, 1948; as amended by No. 58, 1950; No. 70, 1952; No. 85, 1953; No. 1, 1955; No. 63, 1958; No. 79, 1959; and No. 82, 1960.

4.—(1.) Section 10 of the Principal Act is amended by omitting sub-section (2.) and inserting in its stead the following sub-sections:—

Citizenship
by birth.

“(2.) A person shall not be an Australian citizen by virtue of this section if, at the time of his birth, his father—

- (a) was not an Australian citizen;
- (b) was not ordinarily resident in Australia; and
- (c) was—

- (i) a person who was entitled in Australia to any immunity from suit or other legal process by virtue of any law relating to diplomatic privileges and immunities (including any law relating to privileges and immunities attaching to persons connected with the Governments of other parts of the Queen’s dominions or with international organizations); or

- (ii) a consular officer of a foreign sovereign power.

“(3.) A person shall not be an Australian citizen by virtue of this section if, at the time of his birth, his father was an enemy alien and the birth occurred in a place then under occupation by the enemy.”.

(2.) The amendment made by the last preceding sub-section does not apply in relation to a person born before the commencement of this section.

5. Section 11 of the Principal Act is amended by omitting paragraph (b) of sub-section (1.) and inserting in its stead the following paragraph:—

Citizenship
by descent.

“(b) the birth is registered at an Australian consulate within one year after its occurrence or within such further period as the Minister allows.”.

6. Section 15 of the Principal Act is amended—

Citizenship by
naturalization.

(a) by omitting from paragraph (a) of sub-section (4.) the word “or” (last occurring); and

(b) by inserting after paragraph (a) of sub-section (4.) the following paragraph:—

“(aa) that—

- (i) she or he has attained the age of sixteen years; and

- (ii) she is the wife, or he is the husband, of a person who has been granted a certificate of naturalization as an Australian citizen but has not taken an oath of allegiance, or made an affirmation of allegiance, in accordance with the next succeeding section; or ”.

Effect of
naturalization.

7. Section 16 of the Principal Act is amended by inserting after sub-section (1A.) the following sub-section:—

“(1B.) A person who has been granted a certificate of naturalization as an Australian citizen under sub-section (4.) of section fifteen of this Act by virtue of being the wife or husband of a person referred to in paragraph (aa) of that sub-section shall not take an oath of allegiance, or make an affirmation of allegiance, referred to in sub-section (1.) of this section before that last-mentioned person has taken such an oath or made such an affirmation.”.

Transitional
provisions.

8. Section 25 of the Principal Act is amended by omitting sub-section (3.) and inserting in its stead the following sub-section:—

“(3.) A person—

(a) who was born outside Australia and New Guinea before the commencement of the *Nationality and Citizenship Act 1948*;

(b) who was a British subject immediately before the commencement of that Act;

(c) whose father was a person to whom paragraph (a), (b) or (c) of sub-section (1.) of this section applied at the commencement of that Act; and

(d) who enters Australia and is a British subject, but not an Australian citizen, at the time of that entry,

shall, on the date of that entry, become an Australian citizen.”.

9. After section 26 of the Principal Act the following section is inserted:—

Alien wives of
British subjects
without
citizenship.

“26A.—(1.) The Minister may direct that a woman who—

(a) applies, in accordance with a form approved by the Minister, for registration as a British subject; and

(b) satisfies the Minister that she is an alien and is the wife of a British subject without citizenship,

shall be registered as a British subject without citizenship, and, subject to the next succeeding sub-section, the Secretary shall cause her to be registered accordingly.

“(2.) A woman shall not be registered in accordance with a direction under the last preceding sub-section unless—

(a) she takes an oath of allegiance; or

(b) if she conscientiously objects to taking an oath, she makes an affirmation of allegiance,

in accordance with the form in the Third Schedule to this Act.

“(3.) Upon the registration of a woman under this section, she becomes a British subject without citizenship, but she ceases to be a British subject without citizenship if she becomes an Australian citizen, a citizen of a country to which section seven of this Act applies or an Irish citizen.

“(4.) A woman who—

(a) is or was the wife of a British subject without citizenship; and

(b) is a British subject by virtue of a law of a country to which section seven of this Act applies but is not a citizen of that country,

shall be deemed to be a British subject without citizenship, but shall cease to be so deemed if she becomes an Australian citizen, a citizen of a country to which section seven of this Act applies or an Irish citizen.

“(5.) Sub-sections (2.), (4.) and (6.) of the last preceding section apply to a woman who, under this section, becomes, or is deemed to be, a British subject without citizenship.”.

10. Section 34 of the Principal Act is amended by adding at the end thereof the following sub-section:— Legitimated children.

“(3.) Nothing in this section excludes or limits the effect that, by virtue of Part VI. of the *Marriage Act* 1961, a legitimation referred to in that Part has for the purposes of this Act.”.

11. The Second Schedule to the Principal Act is amended by inserting after the letters “A.B.” (wherever occurring) the words “renouncing all other allegiance”. Second Schedule.

12. The Principal Act is amended by adding at the end thereof the following Schedule:— Third Schedule.

THIRD SCHEDULE

Section 26A.

OATH OF ALLEGIANCE

I, A.B., renouncing all other allegiance, 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.

AFFIRMATION OF ALLEGIANCE

I, A.B., renouncing all other allegiance, 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.

13. The Principal Act is amended as set out in the Schedule to this Act. Amendments in relation to decimal currency.

THE SCHEDULE

Section 13.

AMENDMENTS IN RELATION TO DECIMAL CURRENCY

Provisions amended	Omit—	Insert—
Section 48	One hundred pounds ..	Two hundred dollars
Section 49	One hundred pounds ..	Two hundred dollars
Section 50 (1.)	One hundred pounds ..	Two hundred dollars
Section 53 (j)	Fifty pounds	One hundred dollars