

NATIONALITY AND CITIZENSHIP.

No. 79 of 1959.

An Act to amend the *Nationality and Citizenship Act*
1948–1958.

[Assented to 1st December, 1959.]

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* 1959.

(2.) The *Nationality and Citizenship Act* 1948–1958* 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* 1948–1959.

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

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

Commencement.

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

British nationality by virtue of citizenship.

- “(j) the Federation of Malaya;
“(k) the State of Singapore,”.

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

Citizenship by descent.

- (a) by omitting from sub-section (1.) the words “ Subject to this section, a person ” and inserting in their stead the words “ A person ”; and
(b) by omitting sub-section (2.).

(2.) The repeal of sub-section (2.) of section eleven of the Principal Act has effect in relation to persons born before the date of commencement of this Act as well as in relation to persons born on or after that date, but does not operate so as to make a person to whom that sub-section applied an Australian citizen by virtue of any registration, or purported registration, of his birth at an Australian consulate before that date.

5. Section fifteen of the Principal Act is amended by omitting sub-section (5.).

Citizenship by naturalization.

6. Section forty-two of the Principal Act is amended—

Cancellation of certificates, returns of certificates, &c.

(a) by omitting paragraphs (a), (b) and (c) and inserting in their stead the following paragraphs:—

“(a) cancel all certificates of registration and certificates of naturalization the holders of which have been deprived of Australian citizenship;

“(b) cause to be made indexes of certificates of registration and of certificates of naturalization;” and

(b) by omitting from paragraph (d) the words “ persons to whom certificates of registration and certificates of naturalization have been granted ” and inserting in their stead the words “ persons who have, in the year ending on that thirtieth day of June, become Australian citizens by reason of the grant of certificates of registration and certificates of naturalization ”.

7. Section forty-five of the Principal Act is amended by omitting the word “ four ” and inserting in its stead the word “ five ”.

Definition of certificate of naturalization for certain purposes.

8. Section forty-six of the Principal Act is amended by omitting sub-section (3.).

Issue and proof of certificates of naturalization, &c.

9. After section forty-six of the Principal Act the following section is inserted:—

Evidentiary
certificates.

“ 46A.—(1.) Where a person—

- (a) applies to the Secretary for an evidentiary certificate in relation to a certificate of registration or a certificate of naturalization that has at any time been granted to a person specified in the application;
- (b) furnishes sufficient information to enable the Secretary to identify the official records relating to the grant of the certificate of registration or certificate of naturalization; and
- (c) pays the prescribed fee,

the Secretary shall cause an authorized officer to issue to the applicant, so far as official records permit, an evidentiary certificate, in accordance with this section, in relation to the certificate of registration or certificate of naturalization.

“ (2.) Subject to sub-section (5.) of this section, an evidentiary certificate under this section shall—

- (a) certify that a certificate of registration or a certificate of naturalization was, on the date and under the law specified in the evidentiary certificate, granted to the person whose name is specified in the evidentiary certificate;
- (b) where the name of any other person was included in the certificate of registration or certificate of naturalization, certify accordingly;
- (c) contain such further particulars as appear from official records to have been contained in the certificate of registration or certificate of naturalization, and certify that, according to official records, it appears that the certificate of registration or certificate of naturalization included those particulars; and
- (d) where, in the case of an evidentiary certificate relating to a certificate of naturalization, it is appropriate to do so, certify that official records show that the person to whom the certificate of naturalization was granted duly took an oath, or made an affirmation, of allegiance, on a specified date, in accordance with the law under which that certificate was granted.

“ (3.) An authorized officer may include in an evidentiary certificate issued under this section a statement, in accordance with official records, relating to any amendment or cancellation of the certificate of registration or certificate of naturalization,

or the making or registration of any order or declaration, either under this Act or a previous law of the Commonwealth, affecting the nationality or citizenship of a person referred to in the certificate of registration or certificate of naturalization.

“(4.) An evidentiary certificate under this section is evidence—

- (a) of the matters certified in accordance with paragraphs (a) and (b) of sub-section (2.) of this section;
- (b) of the fact that the particulars set out in accordance with paragraph (c) of sub-section (2.) of this section were contained in the certificate of registration or certificate of naturalization;
- (c) of any matter certified in accordance with paragraph (d) of sub-section (2.) of this section and of the correctness of the official records relating to the oath or affirmation; and
- (d) of any matter stated in the certificate in accordance with sub-section (3.) of this section.

“(5.) Particulars referred to in paragraph (c) of sub-section (2.) of this section, other than particulars relating to the former nationality or citizenship of the person to whom the certificate of registration or certificate of naturalization was granted, shall not be included in an evidentiary certificate under this section unless the authorized officer is satisfied that—

- (a) the evidentiary certificate is required by the person to whom the certificate of registration or certificate of naturalization was granted, or a person whose name was included in the certificate of registration or certificate of naturalization;
- (b) the evidentiary certificate is required for the purpose of pending legal proceedings in which evidence of the grant of the certificate of registration or certificate of naturalization will be relevant and the inclusion of those particulars is necessary for the purpose of those proceedings; or
- (c) there are other special circumstances that justify the inclusion of those particulars.

“(6.) An order under this Act may be proved in legal proceedings by the production of a copy of the order, together with a certificate signed by an authorized officer certifying the copy to be a true copy.

“(7.) An evidentiary certificate under this section or a certificate under the last preceding sub-section is admissible in evidence in legal proceedings without proof of the signature of the person signing it or of the fact that he was an authorized officer.

“(8.) In this section, ‘authorized officer’ means an officer authorized by the Secretary to issue certificates under this section.”.

**Amendment of
certificates.**

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

“(2.) A certificate that has been amended in pursuance of this section shall be of effect as so amended.”.
