NATIONALITY AND CITIZENSHIP.

No. 83 of 1948.

An Act relating to British Nationality and Australian Citizenship.

[Assented to 21st December, 1948.]

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

PART I.—PRELIMINARY.

1. This Act may be cited as the *Nationality and Citizenship Act* 1948. Short title.

2. This Act shall come into operation on a date to be fixed by Proclamation. Commencement.

3. The Acts specified in the First Schedule to this Act are repealed. Repeal.

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

Part I.—Preliminary.
Part II.—British Nationality.
Part III.—Australian Citizenship.
Division 1.—Citizenship by Birth or Descent.
Division 2.—Citizenship by Registration.
Division 3.—Citizenship by Naturalization.
Division 4.—Loss of Citizenship.
Part IV.—Transitional Provisions.
Part V.—Miscellaneous.

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Authorised Version C1948A00083

Definitions.

5.—(1.) In this Act, unless the contrary intention appears—

"alien" means a person who is not a British subject, an Irish citizen or a protected person;

"Australia" includes Norfolk Island and the Territory of Papua;

"Australian consulate" means the office of a diplomatic or consular officer of the Australian Government at which a register of births is kept, or, in a country where there is no such office or in New Guinea, such office as is approved by the Minister and includes an office of the Department of Immigration;

"British subject" means a person who is, or is deemed to be, a British subject under the provisions of this Act;

"certificate of naturalization" means a certificate of naturalization granted under this Act;

"certificate of registration" means a certificate of registration granted under this Act;

"child" includes an adopted child, a step-child and a child born out of wedlock;

"foreign country" does not include a trust territory, a state or territory which is or becomes a protectorate or protected state for the purposes of the Act of the Parliament of the United Kingdom known as the British Nationality Act, 1948, the New Hebrides or Canton Island;

"naturalized person" means a person who under any law, whether in force before or after the date of commencement of this Act, becomes or became a British subject or an Irish citizen by virtue of a certificate of citizenship or a certificate of naturalization granted to him or in which his name is or was included or, in the case of a married woman, by virtue of a declaration that she desires or desired to acquire British nationality, and includes a person who under any such law was deemed to be a naturalized British subject by reason of his residence with his father or mother;

"New Guinea" means the Territory of New Guinea;

"protected person" means a person who is included in such prescribed classes of persons as are under the protection of the Government of any part of His Majesty's dominions;

"responsible parent", in relation to a child, means the father of that child, or, where the father is dead or the mother has been given the custody of the child by order of a court, or the child was born out of wedlock and resides with the mother, means the mother of that child;

"service under an Australian government" means service, whether within Australia or elsewhere, under the Commonwealth or an authority of the Commonwealth or under a State or Territory or an authority of a State or Territory;

Authorised Version C1948A00083

"Territory" means a Territory under the authority of the Commonwealth;

"the Australian Government" means His Majesty's Government in the Commonwealth of Australia;

"the United Kingdom and Colonies" includes the Channel Islands and the Isle of Man;

"trust territory" means a territory administered by the government of any part of His Majesty's dominions under the trusteeship system of the United Nations.

(2.) References in this Act to any country to which section seven of this Act applies include references to the dependencies of that country.

(3.) For the purposes of this Act—

(*a*) a person born on a registered ship or aircraft shall be deemed to have been born at the place at which the ship or aircraft was registered and a person born on an unregistered ship or aircraft belonging to the government of a country shall be deemed to have been born in that country;

(*b*) a person shall be of full age if he has attained the age of twenty-one years and of full capacity if he is not of unsound mind;

(*c*) a person shall be deemed not to have attained a specified age until the commencement of the relevant anniversary of the date of his birth;

(*d*) the United Kingdom and Colonies shall be deemed to constitute one country; and

(*e*) a person shall be deemed to be ordinarily resident in a country if—

(i) he has his home in that country; or

(ii) that country is the country of his permanent abode notwithstanding that he is temporarily absent therefrom,

but he shall be deemed not to be so resident if he resides in that country for a special or temporary purpose only.

Extension of Act to Territories.

6. This Act shall extend to the Territories under the authority of the Commonwealth.

Part II.—British Nationality.

British nationality by virtue of citizenship.

7.—(1.) A person who, under this Act, is an Australian citizen or, by an enactment for the time being in force in a country to which this section applies, is a citizen of that country shall, by virtue of that citizenship, be a British subject.

(2.) The countries to which this section applies are the following countries, namely, the United Kingdom and Colonies, Canada, New Zealand, the Union of South Africa, Newfoundland, India, Pakistan, Southern Rhodesia and Ceylon.

Authorised Version C1948A00083