

NATIVES (CITIZENSHIP RIGHTS).

8° and 9° GEO. VI., No. XXIII.

No. 23 of 1944.**AN ACT** to provide for the acquisition of full rights of citizenship by aborigine natives.

[Assented to 23rd December, 1944.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

- Short title. 1. This Act may be cited as the *Natives (Citizenship Rights) Act, 1944.*
- Construction. 2. This Act shall be read and construed subject to the Commonwealth of Australia Constitution Act, and so as not to exceed the legislative power of the State to the intent that where any provision of this Act would but for this section be in excess of that power it shall nevertheless be a valid enactment to the extent to which it is not in excess of that power.
- Interpretation. 3. "Commissioner" means the Commissioner of Native Affairs appointed under the Native Administration Act, 1905-1941.

“Holder” means the person to whom a Certificate of Citizenship has been granted under this Act.

4. (1) Any adult person who is a native within the meaning of the Native Administration Act, 1905-1941, may make application for a Certificate of Citizenship to a resident or stipendiary magistrate or Government Resident in the magisterial district in which he resides.

Adult natives may make application to a magistrate for a Certificate of Citizenship.

(2) Such application shall be in the prescribed form supported by a statutory declaration signed by the applicant to the effect that he wishes to become a citizen of the State, that for the two years prior to the date of the application he has dissolved tribal and native association except with respect to lineal descendants or native relations of the first degree, and—

- (a) that he has served in the Naval, Military or Air Force of the Commonwealth and has received or is entitled to receive an honourable discharge; or
- (b) that he is otherwise a fit and proper person to obtain a Certificate of Citizenship.

(3) Every application shall be accompanied by two recent written references from reputable citizens certifying as to the good character and industrious habits of the applicant.

5. (1) Before granting any application brought under the provisions of the preceding section, the magistrate shall be satisfied that—

Evidence to be adduced in support of an application under this Act.

- (a) for the two years immediately prior the applicant has adopted the manner and habits of civilised life;
- (b) the full rights of citizenship are desirable for and likely to be conducive to the welfare of the applicant;
- (c) the applicant is able to speak and understand the English language;
- (d) the applicant is not suffering from active leprosy, syphilis, granuloma or yaws;
- (e) the applicant is of industrious habits and is of good behaviour and reputation;

(f) the applicant is reasonably capable of managing his own affairs.

The decision of a magistrate upon any such application shall be final.

(2) The Commissioner shall receive notice of any pending application and shall be entitled to appear or to be represented by counsel or agent to support or oppose the application.

The applicant shall be entitled to representation by counsel or agent.

(3) At the hearing of the application, whether or not the Commissioner appears in support or opposition, the magistrate may direct the production of all relevant papers and other documentary evidence and may call for such reports and order the summoning of such witnesses as he may consider necessary.

If the Commissioner appears he may be granted an adjournment not exceeding two months within which to make all necessary enquiries.

(4) If a magistrate grants an application he shall thereupon issue under his hand a Certificate of Citizenship in the prescribed form. Such certificate shall have affixed thereto a photographic likeness of the applicant in the manner of a passport.

Holder of a Certificate of Citizenship to acquire full citizenship rights.

6. Notwithstanding the provisions of the Native Administration Act, 1905-1941, or any other Act the holder of a Certificate of Citizenship shall be deemed to be no longer a native or aborigine and shall have all the rights, privileges and immunities and shall be subject to the duties and liabilities of a natural born or naturalised subject of His Majesty.

Nothing herein contained shall deprive the holder of the right to property or benefit accrued prior to the granting of the application, or of any property which would accrue to or devolve on him if a Certificate of Citizenship had not been granted.

Cancellation or suspension of Certificate of Citizenship in certain cases.

7. (1) Upon complaint of the Commissioner of Native Affairs or any other person, a magistrate may suspend or cancel a Certificate of Citizenship if he is satisfied that the holder—

(a) is not adopting the manner and habits of civilised life; or

- (b) has been twice convicted of any offence under the Native Administration Act, 1905-1941, or of habitual drunkenness; or
- (c) has contracted leprosy, syphilis, granuloma or yaws.

(2) Upon suspension or cancellation of a Certificate of Citizenship the person concerned shall lose the full rights of citizenship conferred by such Certificate and shall be deemed to be a native or aborigine for all the purposes of the Native Administration Act, 1905-1941, or any other Act.

(3) A Certificate of Citizenship may be suspended for a fixed term or for an indefinite period subject to the right of the native to prove to a magistrate that his conduct and character justify a renewal of the Certificate.

8. No penalty exceeding Twenty-five Pounds shall be imposed for any breach of the Act or regulations. Penalties.

9. (1) The Governor may make regulations, not inconsistent with this Act, prescribing all matters which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act. Regulations.

(2) In particular and without prejudice to the generality of subsection (1) of this section, the regulations may—

- (a) prescribe the manner and form of applications for Certificates of Citizenship and the particulars to be furnished in support of such applications;
- (b) prescribe a form of Certificate of Citizenship to be issued to successful applicants;
- (c) prescribe penalties not exceeding Twenty-five Pounds for any fraud in connection with an application for a Certificate of Citizenship or with respect to any Certificate of Citizenship when issued, or for any other offence against the regulations;
- (d) prescribe the procedure to be followed upon application or complaint to a magistrate.