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COMMISSION ON THE STATUS OF WOMEN

COMMENTS OF GOVERNMENTS ON THE TEXT OF THE DRAFT CONVENTION
ON NATIONALITY OF MARRIED PERSONS

(Addendum)

Since the issuance of documents E/CN.6/243 and E/CN.6/243/Add.1-4, the Secretary-General has received from the Government of Australia the following comments on the Draft Convention on Nationality of Married Persons:

AUSTRALIA

"..... The comments of the Australian Government on this Convention are as follows:

The draft Convention is generally in accord with existing Australian nationality law, as set out in the Nationality and Citizenship Act, 1948-1953, with the following exceptions:

Article 3.1: Under that Act, an alien man married to an Australian citizen has the same opportunity of acquiring Australian citizenship as any other alien. An alien woman married to an Australian citizen may be given special rights - see section 15 (4) of the Act. Australian law is not in accord with Article 3.1, however, in two important respects:

- (1) Naturalization is not granted as a right. In Australia the grant of naturalization in every case lies within the Minister's discretion and will remain so.
- (11) Naturalization is not granted merely on request: a period of residence in Australia is a necessary qualification, although this period may be reduced in the case of an alien woman married to an Australian citizen.

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Article 3.2: It is suggested that after the word 'right', the words 'or opportunity' should be inserted. It is suggested also that the meaning of the expression 'privileged naturalization procedures' should be made more clear.

Article 4: This Article appears to be based on the assumption that the spouse has the same nationality as the national mentioned. In Australia, at least, this would not necessarily be so. In cases where it is so, Australian law accords with the proposed Article. We should prefer to see the article altered to express this assumption but, perhaps, this is not strictly necessary as the word 'retention' covers the point by inference."
