



HOUSE OF REPRESENTATIVES

House of Representatives

05 DEC 2017

Citizenship Register

To the Registrar of Members' Interests,

Statement in relation to citizenship – 45th Parliament

I declare that at the time I nominated for election in this 45th Parliament I was an Australian citizen.

Section 1—Member's details

Surname	Other Names
SHARKIE	Rebekha Carina Che
Electorate	State
MAYO	SOUTH AUSTRALIA

Section 2—Member's birth and citizenship details

Place of birth	Citizenship held at birth
Torbay, United Kingdom	British Citizenship
Date of birth	Date of Australian naturalisation (if not an Australian citizen by birth)
24 / 08 1 1972 Day Month Year	19 / 03 / 2007 Day Month Year

Notes

- (1) The information which you are required to provide is contained in a resolution agreed to by the House of Representatives on 4 December 2017.
- (2) If there is insufficient space on this form for the information you are required to provide, you may attach additional pages for that purpose. An electronic version of this form is available at <http://members.parl.net/citizenship> (internal link).
- (3) Forward the original, signed copy of all pages of this statement to the Registrar of Members' Interests, RG.39 Parliament House, Canberra ACT 2600.

Section 3(a)—Member's parents' birth details

	Mother	Father
Place of birth:	Alexandria Virginia USA	London UK
Date of birth:	30 / 06 / 1951 Day Month Year	7 / 05 / 1947 Day Month Year

Section 3(b)—Member's grandparents' birth details

	Maternal grandmother	Maternal grandfather
Place of birth:	London UK	Pennsylvania USA
Date of birth:	6 / 06 / 1925 Day Month Year	3 / 03 / 1922 Day Month Year

	Paternal grandmother	Paternal grandfather
Place of birth:	London UK	London UK
Date of birth:	23 / 02 / 1904 Day Month Year	9 / 03 / 1915 Day Month Year

Section 3(c)—Member's spouse details (if applicable)

	Spouse
Place of birth:	North Adelaide, South Australia
Date of birth:	10 / 03 / 1973 Day Month Year

Section 3(d)

Please list the steps you have taken to assure yourself you have not acquired citizenship of another country by descent, marriage or other means.

As I was born to just one US citizen, I was not entitled to automatic US citizenship by descent.

My mother, who was born in the United States was required to meet US residency requirements in order to pass on such citizenship. My mother did not meet the residency requirements to provide citizenship to me as she left the US to study in the UK at age 11.

My mother returned to the US for summer holidays, however, my mother left the United States permanently on 9 September 1965 at age 14 years and 71 days to live with her mother in the United Kingdom as my grandparents had separated.

My mother was then working full-time in the UK from age 15. My mother lived independently in the UK at age 16 and at age 17 my mother married my father, a UK citizen.

Under US Law, US persons born before 1952 are required to live in the US for a minimum of five (5) years after the age of 14 in order to pass down US citizenship by descent.

For those born after 1952, a minimum of two (2) years after the age of 14 is required. In any event, my mother left the US permanently 71 days after her 14th birthday and has never returned.

I have therefore never been entitled to US citizenship due to my mother not meeting residency requirements under ACT 301 - NATIONALS AND CITIZENS OF THE UNITED STATES AT BIRTH

Section 4(a)—Foreign citizenship

Have you ever been a citizen of any country other than Australia?

☐ **NO** — Proceed to Section 6

☒ **YES** — List the countries that you have been a citizen of, and evidence of the date and manner in which your citizenship of any other country was renounced or otherwise came to an end in accordance with the laws of the relevant country.

Country	Manner of renunciation or other manner in which the foreign citizenship came to an end	Date	Evidence attached
UK	<p>I renounced British citizenship prior to nominating for election, by completing a <i>Form RN Declaration of Renunciation of British Citizenship</i> and dispatching it to the UK Home Office together with credit card details for payment of the processing fee.</p> <p>I renounced British Citizenship on 19 April 2016.</p> <p>On 19 April 2016 I dispatched it to the UK Home Office on by International Express Post.</p> <p>A copy of my Declaration of Renunciation is attached. A copy of the International Express Post receipt is attached.</p> <p>I enclosed with my signed Declaration certified proof of Australian citizenship, my UK birth certificate and my expired UK passport to the British Home Office in Liverpool.</p> <p>I also enclosed a certified copy of my Family Court Divorce papers as my Australian Citizenship certificate was in my former married name.</p> <p>Australia Post confirmed that my Declaration of Renunciation was delivered to the UK Home Office on 2 May 2016. A copy of the delivery confirmation is attached.</p> <p>The UK Home Office charged my credit card for payment of \$570.67 the processing fee on 30 May 2016. An excerpt of my internet banking transaction history confirming this transaction is attached.</p> <p>A copy of the registered renunciation is also attached.</p> <p>An email acknowledgement was received from the Home Office on 2 June 2016.</p>	19/04/2016	Yes

Country	Manner of renunciation or other manner in which the foreign citizenship came to an end	Date	Evidence attached
	<p>On 13 June 2016 the British Home Office requested a copy of my Australian passport, despite already receiving a certified copy of my Australian citizenship certificate. I emailed a copy of my passport to the British Home Office.</p> <p>On 29 June 2016 the British Home Office registered and returned my Form RN Renunciation of British Citizenship.</p> <p>All reasonable steps, and all actions within my power were taken to renounce British citizenship on 19 April 2016.</p>		
<p>NB: Evidence of the date and manner in which your citizenship was renounced or otherwise came to an end should be attached to this form. Please date and initial each page of any attachment.</p>			

Section 4(b)—Foreign citizenship at time of nomination

On the date you nominated for election in this 45th Parliament were you a citizen of any country other than Australia?

☐**NO**☒

YES — *Provide details and evidence of any steps you have taken to renounce the citizenship of the other country prior to the date of nomination.*

Country	Action	Date	Evidence attached
UK	<p>See answer to 4A</p> <p>All reasonable steps and every action within my power were taken to renounce British citizenship on <u>19 April 2016</u>.</p> <p>The UK Home Office received my documents on 2 May 2016, and took a further 28 days to debit my credit card which occurred on 30 May 2016.</p> <p>The UK Home Office took 30 days after receiving my documents before sending an acknowledgement on 2 June 2016.</p> <p>Despite having a certified copy of my Australian Citizenship, the UK Home Office requested a copy of my Australian passport. I do not believe this document was necessary as they had evidence of my citizenship of another country, however I complied with this request and emailed the Australian passport.</p>	19 April 2016	Yes
<p>NB: Evidence of the steps taken to renounce the citizenship of the other country prior to the date of nomination should be attached to this form. Please date and initial each page of any attachment.</p>			

Section 4(c)—Foreign citizenship now

Are you now a citizen of any country other than Australia?



NO



YES — *Provide details and evidence of any steps taken to renounce the citizenship of the other country.*

Country	Action	Date	Evidence attached
	n/a		
NB: Evidence of the steps taken to renounce the citizenship of the other country should be attached to this form. Please date and initial each page of any attachment.			

Section 5—Member with foreign citizenship at nomination or now

Complete this section if you answered YES in section 4(b) or 4(c)

Basis on which you contend you are not disqualified under s 44(i) of the Constitution	Evidence attached
<p>I took all necessary steps to renounce British citizenship, in accordance with the requirements of British law, prior to nominating for election to the House of Representatives. I had therefore absolved myself of any impediment under section 44(i) of the Australian Constitution, in accordance with the "reasonable steps" test articulated by the High Court of Australia in the leading judgment of <u>Sykes v Cleary</u> and affirmed in the subsequent judgments of <u>Sue v Hill</u>, <u>Re Roberts</u> and <u>Re Canavan & Ors</u>.</p> <p>I attach a copy of advice published by Mr Peter Hanks QC of the Victorian Bar in relation to my eligibility.</p> <p>Further legal advice to support that I had absolved myself of any impediment under section 44(i) of the Australian Constitution will be included once received in writing.</p>	
NB: Please date and initial each page of any attachment.	

Section 6—General declaration

I declare that I have completed this statement to the best of my knowledge and have attached all evidence relevant to my declarations.

Signed:	Date:
	<div data-bbox="917 481 1372 571">5 12 2017</div> <div data-bbox="933 548 1308 571">Day Month Year</div>



COMMONWEALTH OF AUSTRALIA

Australian Citizenship Act 1948

Certificate of Australian Citizenship

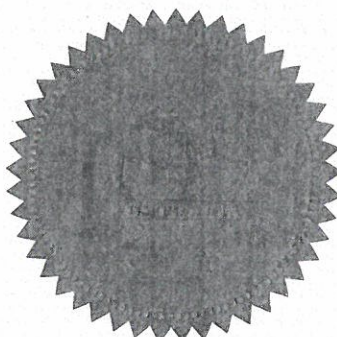
REBEKHA CARINA CHE SELBY-FULLGRABE

born on 24th August 1972

having applied for a Certificate of Australian Citizenship, having satisfied the conditions prescribed by the Australian Citizenship Act 1948 for the grant of such a Certificate and having undertaken to fulfil the responsibilities of a citizen,

*I, the Minister for Immigration and Citizenship,
grant this Certificate of Australian Citizenship to the abovenamed applicant who is
an Australian citizen on and after* 19th March 2007

*Issued by the authority
of the Minister
for Immigration and
Citizenship*



MINISTER
FOR IMMIGRATION AND
CITIZENSHIP

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5/12/2017

No. 00685502212

3261438



Home Office

Form RN

June 2015

Applicant's Copy

Declaration of Renunciation of British Citizenship, British Overseas
Citizenship, British Overseas Territories Citizenship, British National
(Overseas) or British Subject Status

This declaration, if signed and stamped below, is formal evidence of renunciation.

1. Full name)

R	E	B	E	K	H	A		C	A	R	I	N	A		C	H	E		S	H	A	R	K	I	E		

of (full address)

S	O	U	T	H		A	U	S	T	R	A	L	I	A													
A	U	S	T	R	A	L	I	A																			

Postcode: 5 2 3 4

was born on (date of birth)

24 08 1972

at (place and country of birth)

Torbay, United Kingdom

2. I am a: (please tick)

☒ British citizen☐ British overseas citizen☐ British overseas territories citizen☐ British national (overseas)☐ British subject

I wish to renounce: (please tick)

☒ British citizenship☐ British overseas citizenship☐ British overseas territories citizen☐ British national (overseas) status☐ British subject status

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3. I hold the following citizenship or nationality other than the citizenship or status I wish to renounce:

Australian citizenship

4. I am about to acquire the following citizenship or nationality after making this declaration:

5. I, (full name in BLOCK LETTERS) REBEKHA SHARKIE
declare that to the best of my knowledge and belief the details given on this form are true.

Signature

Date

19/4/2016.

Official confirmation of renunciation:

Signature

Home Office

HOME OFFICE

29 JUN 2016

REGISTERED

30/12 5/12/2017

131318 Customer Service

A U S T R A L I A P O S T
ADELAIDE MIDDLE MALL 5000

PP Intl Std 500g Satchel \$ 28.32
UNITED KINGDOM - Zone 5
S S up to 500g (manual)
Article ID:
LK940642803AU

Please retain as proof of postage.
For track event information go to
www.auspost.com.au/track

Extra Cover Not Purchased

TOTAL \$28.32

Payment Tendered Details:

EFTPOS 28.32

* POST supplied, price includes GST.

GST on POST Tenable Supply: 0.00

ABN:28 864 970 579

TAX INVOICE

EFTPOS

462239####8076 (I) SAVINGS ACCOUNT

EFTPOS Tender 28.32

TOTAL EFTPOS 28.32

APPROVED BY

Visa

RRN 040467124958

18/04/16 12:49:58 507549 04/040467 4AQ

Go in the draw to win \$5,000
If you register as a new
member to our
Lifestyle Survey.


Go to lifestylesurvey.com.au
and register today.

Ad res, 18+. Between 5:01pm (AEST) 23/2/16
to 11pm (AEST) 31/5/16. See website
for Ts&Cs. Draw: 12pm (AEST) 1/6/16.
23/567 Collins St, 3RD.
Publication: The Australian 13/6/16.
ACMA Permit No. LTPS/15/08663
ACMA Permit No. TP15/08028

18/04/16 04/76413 4AQ/4 507549 12:50

POST BILLPAY
XSA WHICH BILLS YOU CAN PAY

5/12/2017

4 of 12 

Date	Transaction Details	Withdrawals (\$)	Deposits (\$)	Balance (\$)
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EFTPOS

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5/12

5/12/2017

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Sharkie, Rebekha (MP)

From: customerservice@auspost.com.au
Sent: Monday, 4 December 2017 12:37 PM
To: Sharkie, Rebekha (MP)
Subject: Australia Post - Case: 15090994. [ref:_00D301GGce_500901pM634:ref]



Help & Support

Error!
Hyperlink
reference
not valid.

Reference 15090994

Update for General Enquiry - 15090994

Hi Rebekha Sharkie,

As we discussed on our phone call on Monday 4/12/2017, we were able to locate the tracking scans for your documents. Tracking no: LK940842803AU.

Australia Post have searched our archived warehouse and we can confirm that the documents you had sent to the UK did in fact, arrived in the UK on **2/05/2016**. Unfortunately, we don't have a physical delivered scan for this 500g satchel but, we can confirm it did reach the UK.

Need help or have an enquiry?

Please visit [Help & Support](#) to:

- contact our support team directly
- find answers to many commonly asked questions

Regards,
Abbie Reedman
Australia Post



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Home Office

UK Visas and Immigration

The Capital Building

Liverpool

L3 9PP

Tel 0300 123 2241

Fax

Email

Web www.gov.uk/uk-visas-immigration

Miss R. C. C. Sharkie

Our Ref S1793099

Your Ref Your Ref

Date 29 June 2016

5234

Dear Miss Sharkie

Renunciation of British Citizenship

I am writing to inform you that the above named is now registered as having renounced British Citizenship.

Enclosed is the Declaration of renunciation bearing a stamp of registration. This confirms the date on which the applicant ceased to be a British Citizen, under Section 12(1) of the British Nationality Act 1981.

Any British travel documents that you may still hold should be returned to:

Her Majesty's Passport Office
Globe House
89 Eccleston Square
London, SW1V 1PN

Renunciation of British nationality affects a person's right to live in the UK. If you live in the UK, you should contact us as soon as possible for information on how you are affected by your renunciation of British nationality and what steps you must take to confirm your immigration status. Details of how to contact us can be found on our website at www.gov.uk/uk-visas-immigration

Yours sincerely,

Liam East
CT4
UK Visas and Immigration

Encl:

ICD.4623

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Transaction Details

Date Processed	Date Of Transaction	Card Used	Transaction details	Amount \$A	Balance
01/06/2016	30/05/2016	5053	NATIONALITY DIRECTORAT LIVERPOOL	570.67	
			272.00 GBP		
01/06/2016			INCL OVERSEAS TXN FEE 16.62 AUD		

OUR PAYMENT OPTIONS LISTED SHOW THE MANY
WAYS TO PAY YOUR CREDIT CARD ACCOUNT.

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Print Cancel
Untitled

N and R Francis

UKBA NATIONALITY ACKNO <UKBANATIONALITYACKNO@homeoffice.gsi.gov.uk>

Thu 2/06/2016 3:33 PM

Thank you for submitting an application to the UK Visas & Immigration. Your application has been received and will be processed in due course.

*If you require further information please refer to our website,
<https://www.gov.uk/government/organisations/uk-visas-and-immigration>, in the first instance. If you have difficulty locating the information that you require you can email ukbanationalityenquiries@homeoffice.gsi.gov.uk and you will receive an email giving links to the answers to most frequently asked questions and how to obtain further information if necessary.*

PLEASE NOTE THAT THIS EMAIL ADDRESS IS NOT MONITORED AND ANY REPLY TO THIS MESSAGE WILL AUTOMATICALLY BE DELETED.

This email and any files transmitted with it are private and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please return it to the address it came from telling them it is not for you and then delete it from your system. This email message has been swept for computer viruses.

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to Outlook Mail
message
list

Home Office Application S1793099

Nationality Casework <yyfma-NationalityCa5@homeoffice.gsi.gov.uk>

Mon 13/06/2016 7:24 PM

1 attachments (12 KB)

image001.emz;



UK Visas and Immigration

The Capital Building

Liverpool

L3 9PP

Tel 03001232253

Email

Web www.gov.uk/uk-visas-immigration

Miss R. C. C. Sharkie

Our Ref S1793099

Your Ref

Date 13 June 2016

5234

Dear Miss Sharkie

I refer to your application for Renunciation. Before we can proceed further please send one of the following documents by email by 27/06/16.

- Passport to confirm you hold Australian nationality or a letter from the authorities of country concerned confirming you will become a citizen or national of that country.

Consequently, failure to send these documents/information by the given date will result in the application being refused.

If you have difficulty providing any of the information requested, you should contact us by email or letter as soon as possible.

If you send the documents using a Royal Mail service such as Recorded Delivery and require confirmation of delivery, please contact the Royal Mail Customer Service Number - 0845 927 2100. Alternatively, you can access the Royal Mail website at www.royalmail.com. We will return the documents as soon as possible.

Please only contact us where absolutely necessary, e.g. where you require the urgent return of documents. If you need to notify us of a change of address or a change of circumstances, please do so in writing.

It is our policy to return documents by Royal Mail ordinary post (2nd class). If you wish your documents to be returned by Royal Mail Recorded or Special Delivery post, you should enclose the appropriate pre-paid and self-addressed envelope, which should be sufficient to accommodate the size and weight of the documents and be insured to the appropriate level for the value of the documents. Further information can be obtained from Royal Mail's web site, www.royalmail.com.

Yours sincerely,

Mon 13/06/2016, 7:24 PM

Liam East
CT4

UK Visas and Immigration

You replied on 25/06/2016 8:12 AM.

8/12/2017.
10/12 [Signature]

4/12/2017

Opinion

Section 44(i) of the Constitution and Justine Keay, Susan Lamb and Rebekha Sharkie

1. On the factual assumptions made by Mr Bennett QC (which are incomplete¹), there is no basis, consistent with *Re Canavan*, for any argument that Justine Keay, Susan Lamb or Rebekha Sharkie are “incapable of being chosen or of sitting as a ... member of the House of Representatives” under s 44(1) of the Constitution.
2. Each of them lodged a declaration of renunciation of British citizenship with the relevant United Kingdom authority before submitting a nomination for election to the House of Representatives.
3. Two propositions in Mr Bennett’s opinion are not supported by *Sykes v Cleary* (1992) or *Re Canavan* (2017):
 - 3.1 That the taking of steps reasonably required by the relevant foreign law, and within a person’s power, will be effective to renounce foreign citizenship only where “the foreign law irremediably prevents the candidate renouncing that citizenship”: see paragraph 7. (That proposition is, as can readily be seen, contradictory: if the foreign law prevents renunciation, how can that law require any steps for renunciation?)
 - 3.2 Where the foreign law permits renunciation, that renunciation only takes effect when the foreign power takes the steps required by foreign law to make the renunciation effective: paragraph 9.
4. It is inconsistent with *Re Canavan* to insist that the processes of United Kingdom law, including the drawn out processes used to administer that law, will control the date at which an Australian citizen’s renunciation becomes effective.
 - 4.1 In *Re Canavan*, the High Court said that the question will always be whether “the person has taken all steps that are reasonably required by the foreign law to renounce his or her foreign citizenship”: at [13]; not whether the foreign power has eventually got around to recording or reacting to those steps.
 - 4.2 The Court repeated the point several times, including in its summary of the law – where the Court said: “Where it can be demonstrated that the person has taken all steps that are reasonably required by the foreign law to renounce his or her

¹ No date is given for the nominations of either Justine Keay or Susan Lamb, although a date for the nomination of Rebekha Sharkie is given).

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citizenship and within his or her power, the constitutional imperative is engaged": at [72]. Note, again, that the emphasis is on the steps taken by the Australian citizen, not on the steps taken by the foreign state in responding to the Australian citizen's steps.

5. It follows that Mr Bennett is mistaken when he says that "it was not sufficient for the three members to take steps to renounce".

5.1 Each of them took the steps that United Kingdom law required them to take to renounce their United Kingdom citizenship; from that time on, the formalities of completing the process of renunciation were out of their hands and subject to the vagaries of the administrative processes in the United Kingdom.

5.2 The taking of those steps by the three Australian Citizens was sufficient for the purposes of s 44(i) of the Constitution to ensure that, from that time on, each of them was not incapable of being chosen as a member of the House of Representatives.

Peter Hanks QC

(03) 9225 8815

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