



HOUSE OF REPRESENTATIVES

House of Representatives

05 DEC 2017

To the Registrar of Members' Interests,

Citizenship Register

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
O'BRIEN	LLEWELLYN STEPHEN

Electorate	State
WIDE BAY	QLD

Section 2—Member's birth and citizenship details

Place of birth	Citizenship held at birth
Mona Vale, NSW	Australian

Date of birth	Date of Australian naturalisation <i>(if not an Australian citizen by birth)</i>
26 / 06 / 1972 Day Month Year	/ / 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:	Sydney, NSW	Sydney, NSW
Date of birth:	01 / 06 / 1935 Day Month Year	20 / 02 / 1933 Day Month Year

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

	Maternal grandmother	Maternal grandfather
Place of birth:	New Caledonia, France	Wales
Date of birth:	16 / 09 / 1903 Day Month Year	/ / 1895 Day Month Year

	Paternal grandmother	Paternal grandfather
Place of birth:	Australia	Canada
Date of birth:	24 / 07 / 1913 Day Month Year	18 / 07 / 1912 Day Month Year

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

	Spouse
Place of birth:	Gympie
Date of birth:	1 / March / 1970 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.

Under the British Nationality Act 1948, a person born between 1949 and 1983 could inherit British citizenship only from his or her father (see section 5). Therefore, assuming my mother was a British citizen, I cannot have inherited that citizenship.

Further, under that Act, the general rule was that no person born between 1949 and 1983 could become a British citizen by descent from a parent who was himself a citizen by descent only (see section 5). The limited exceptions to that rule are not relevant to me. Therefore, even assuming my mother was a British citizen by descent, I cannot myself have inherited that citizenship.

Under Canada's Bill C-37: An Act to amend the Citizenship Act [April 17, 2009] Canadian citizenship by birth outside Canada to a parent who is a Canadian citizen (citizenship by descent) is limited to the first generation born outside Canada. This means that if you were born outside Canada to a Canadian parent, you aren't Canadian if your Canadian parent was also born outside Canada to a Canadian parent as this would make you the second or subsequent generation born outside Canada.

Attached is a letter from the French Embassy in Canberra confirming I have never held French citizenship.

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

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.

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

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.

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

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

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

Date:			
4	/	12	/ 2017
Day		Month	Year



Ambassade de France en Australie

L'Ambassadeur

Canberra, Monday, December 04, 2017

N° 2017- 3308132

Dear [REDACTED]

You recently consulted me regarding the declaration of citizenship that the Hon. Llew O'Brien MP, Federal Member for Wide Bay, is going to submit to the Australian Parliament.

On the basis of the details transmitted by Mr. O'Brien, I can confirm to you the following:

Mr. O'Brien's grand-mother, Mrs. Rose Angel Yvonne Dalstein, born in 1903 in New Caledonia, was presumably a French citizen. When she married Mr O'Brien's grand-father in 1926, she lost her French nationality (assuming she was a French citizen). Under the French legislation which was in force at that time (the 1889 Nationality law), a French woman lost her nationality when she married a foreigner.

We have no information to support the possibility that Mr. O'Brien's grand-mother would have subsequently requested to regain her French nationality after a new legislation was introduced.

Therefore, since she was no longer a French citizen in view of her marriage in 1926, she could not have transmitted her former nationality to her daughter.

Please let me know if you should need me to do some further research.

Yours faithfully,



Christophe PENOT

