

QUALIFICATION CHECKLIST

Relating to your eligibility under Section 44 of the Australian Constitution

Candidate's name

Vinay Kolhatkar

Please fill out this checklist.

Be aware that completing this checklist does not guarantee that you are eligible to be elected under section 44 of the Australian Constitution or under the *Commonwealth Electoral Act 1918*.

If you have any doubts about your eligibility, you should seek independent legal advice.

If you provide information in this checklist that you know is false or misleading, you may commit an offence against the *Criminal Code* with a maximum penalty of imprisonment for 12 months, \$12,600 or both.

You must answer every question in the checklist that has check boxes by marking one, and only one, of the boxes provided. Your nomination will be rejected if you do not mark any of the boxes, or if you mark more than one of the boxes, provided for any of these questions.

Please provide supporting documentation as appropriate. You may provide additional documents if you are unable to fit all your responses in this checklist.

Note: If you answer 'yes' in question 10 then you **must provide at least one document** in response to question 10a.

You should not include information in this checklist, or in any additional documents you provide, that is inappropriate in any way. If you do, the information may be redacted by the Electoral Commissioner and not published on the Australian Electoral Commission's website.

You may choose to redact information (for example, your own or another person's personal information) from additional documents before providing them. Redactions must be in accordance with any directions of the Electoral Commissioner.

The candidate statement and declaration that you have made elsewhere in this nomination also relate to your eligibility to be elected. In that statement and declaration:

- (a) you have declared that you are qualified under the Constitution and the laws of the Commonwealth to be elected as a Senator or member of the House of Representatives; and
- (b) you have stated that you are an Australian citizen.

Questions marked with an asterisk (*) are mandatory

1. Do you know the place of birth of each of your parents and grandparents (whether biological or adoptive)? *

YES
 NO

1a. Please provide any relevant details (for example, why you do not know the place of birth of a parent or grandparent):

Other relevant details relating to your knowledge of your parents' and grandparents' places of birth

In each case, I do know the country of birth to the best of my knowledge.

[Please provide particulars of, or documents related to, any details provided in response to question 1a. These will be published with this checklist on the Australian Electoral Commission's website.]

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2. Do you have a parent or grandparent that you know was born in another country? This may be a biological or adoptive parent or grandparent.*
 (If you do not know any of your parents' or grandparents' places of birth, please mark the 'N/A' box.)

<input checked="" type="checkbox"/>	YES
<input type="checkbox"/>	NO
<input type="checkbox"/>	N/A

2a. If 'yes', please provide the following details, to the extent known:

Relationship to you (e.g. mother or adoptive father)	Mother (now deceased)	Relationship to you (e.g. mother or adoptive father)	Father (now deceased)
Place of Birth	India aka "British India"	Place of Birth	India aka "British India"
Date of Birth	07 / 12 / 1931	Date of Birth	26 / 11 / 1929
Relationship to you (e.g. mother or adoptive father)	**See 2b	Relationship to you (e.g. mother or adoptive father)	
Place of Birth		Place of Birth	
Date of Birth	/ /	Date of Birth	/ /
Relationship to you (e.g. mother or adoptive father)		Relationship to you (e.g. mother or adoptive father)	
Place of Birth		Place of Birth	
Date of Birth	/ /	Date of Birth	/ /

2b. Please provide any other relevant details:

Other relevant details relating to your parents' and grandparents' places and dates of birth

To the best of my knowledge, all four of my grandparents were born in what was then called British India early in the 20th century, and they all became citizens of the Republic of India. I do not know the dates of birth of any of the four grandparents. They have all long since deceased. My father's mother passed away when he was young; well before I was born. From the standpoint of S.44, since I was also myself previously a citizen of India (as was my wife), that is the only issue to be addressed. And it is in answer to 10b, effectively "India does not permit dual citizenship".

[Please provide particulars of, or documents related to, any details provided in response to questions 2a and 2b. These will be published with this checklist on the Australian Electoral Commission's website.]

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Relating to your eligibility under Section 44 of the Australian Constitution

3. Have you provided details in question 2a in relation to each parent and grandparent that you know was born in another country?* YES
 NO
 N/A
 (If you do not know any of your parents' or grandparents' places of birth, please mark the 'N/A' box.)

3a. If 'no', please explain why you have not provided those details:
 Explanation of why you have not provided details relating to each parent and grandparent that you know was born in another country

4. Do you know which citizenships have been held by each of your parents and grandparents (whether biological or adoptive)?* YES
 NO

4a. Please provide any relevant details (for example, why you do not know the citizenships held at a particular time by a particular parent or grandparent):
 Other relevant details relating to your knowledge of your parents' and grandparents' citizenships

Each of my parents and grandparents was a citizen of what became the Republic of India in 1950. To the best of my knowledge, India never did permit dual citizenship. See answer to 10b.

[Please provide particulars of, or documents related to, any details provided in response to question 4a. These will be published with this checklist on the Australian Electoral Commission's website.]

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5. Do you have a parent or grandparent that you know acquired citizenship of another country by descent, naturalisation or other means? This may be a biological or adoptive parent or grandparent.*
 YES
 NO
 N/A

 (If you do not know any of your parents' or grandparents' citizenship, please mark the 'N/A' box.)

5a. If 'yes', please provide the following details, to the extent known:

Relationship to you (e.g. mother or adoptive father)	Mother	Relationship to you (e.g. mother or adoptive father)	Father
Country of foreign citizenship	India*	Country of foreign citizenship	India*
Period foreign citizenship held	Till death	Period foreign citizenship held	Till death
Relationship to you (e.g. mother or adoptive father)	All four grandparents	Relationship to you (e.g. mother or adoptive father)	
Country of foreign citizenship	India*	Country of foreign citizenship	
Period foreign citizenship held	Till death	Period foreign citizenship held	
Relationship to you (e.g. mother or adoptive father)		Relationship to you (e.g. mother or adoptive father)	
Country of foreign citizenship		Country of foreign citizenship	
Period foreign citizenship held		Period foreign citizenship held	

5b. Please provide any other relevant details:

Other relevant details relating to your parents' and grandparents' foreign citizenships

India means Republic of India. See answer 10b.

[Please provide particulars of, or documents related to, any details provided in response to questions 5a and 5b. These will be published with this checklist on the Australian Electoral Commission's website.]

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- 6. Have you provided details in question 5a in relation to each parent and grandparent that you know acquired citizenship of another country by descent, naturalisation or other means?***
- (If you do not know any of your parents' or grandparents' citizenship, please mark the 'N/A' box.)
- YES
 NO
 N/A

6a. If 'no', please explain why you have not provided those details:

Explanation of why you have not provided details relating to each parent and grandparent that you know acquired citizenship of another country

- 7. Do you know which citizenships have been held by each of your current and former spouses and similar partners?***
- (If you do not have a current or former spouse or similar partner, please mark the 'N/A' box.)
- YES
 NO
 N/A

7a. Please provide any relevant details (for example, why you do not know the particular citizenships held at a particular time by a current or former spouse or similar partner):

Other relevant details relating to your knowledge of the citizenships of your current and former spouses and similar partners

My spouse (Shubha Vagholkar; we got married in December 1988) is an Australian citizen. She was born in India and held an Indian citizenship which was given up when she acquired her Australian passport. I have had no other spouses or partners.

[Please provide particulars of, or documents related to, any details provided in response to question 7a. These will be published with this checklist on the Australian Electoral Commission's website.]

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8. Do you have a current or former spouse or similar partner who you know is or was a citizen of another country?*
- (If you do not have a current or former spouse or similar partner, or you do not know the citizenship of any of your current or former spouses or similar partners, please mark the 'N/A' box.)
- YES
 NO
 N/A

8a. If 'yes', please provide the following details, to the extent known:

Relationship to you (e.g. wife or former de facto partner)	Wife
Country of foreign citizenship	India
Was foreign citizenship held at the time of marriage (if applicable)?	No
Relationship to you (e.g. wife or former de facto partner)	
Country of foreign citizenship	
Was foreign citizenship held at the time of marriage (if applicable)?	

8b. Please provide any other relevant details (for example, whether you acquired foreign citizenship because of a spouse's foreign citizenship):

Other relevant details relating to your current or former spouse's or similar partner's foreign citizenship

See answer to 10b.

India has never permitted dual citizenship. The OCI card amounts to nothing more than a lifetime multiple entry visa (revocable, I believe, on grounds that would revoke a single-entry visa), see the links to the relevant advice of the two High Commissions in 10b. I have no intention of renouncing my Australian citizenship, which would be required to reacquire an Indian citizenship.

[Please provide particulars of, or documents related to, any details provided in response to questions 8a and 8b. These will be published with this checklist on the Australian Electoral Commission's website.]

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9. Have you provided details in question 8a in relation to each current or former spouse or similar partner that you know is or was a citizen of another country? * YES
 NO
 N/A

(If you do not have a current or former spouse or similar partner, or you do not know the citizenship of any of your current or former spouses or similar partners, please mark the 'N/A' box.)

9a. If 'no', please explain why you have not provided those details:

Explanation of why you have not provided details relating to each current or former spouse or similar partner that you know is or was a citizen of another country

10. Have you ever been a subject or citizen of any country other than Australia? * YES
 NO
 UNKNOWN

10a. If 'yes', please provide the following details, to the extent known:

Country of foreign citizenship	India
Manner in which foreign citizenship was lost (if applicable)	It was renounced when I acquired an Australian citizenship. See answer 4a.
Date of losing foreign citizenship (if applicable)	6 / 11 / 1991

* [If you contend that you have renounced or lost your foreign citizenship, you **must provide at least one document** that you are satisfied supports your contention. (The document may be an official document, or if you have no official document, a statutory declaration.) This will be published with this checklist on the Australian Electoral Commission's website.]

10b. Please provide any other relevant details (for example, how you lost your foreign citizenship, or why the response to question 10 is unknown):

Other relevant details relating to the loss of your foreign citizenship

See the advice here from the Australian High Commission in India in (1). The first line effectively says that the Constitution of India does not allow dual citizenship.
 (1) <https://india.embassy.gov.au/ndli/dualnity.html>
 (2) The quoted statement from the Indian High Commission says the same thing:
<https://www.sbs.com.au/language/punjabi/en/article/oci-is-not-dual-citizenship-indian-high-commission-clarifies/stbxhaxax>

[In addition to the requirement to provide at least one document mentioned under question 10a, please provide particulars of, or documents related to, any other details provided in response to questions 10a and 10b. These will be published with this checklist on the Australian Electoral Commission's website.]

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11. Are you now a subject or citizen of any country other than Australia?*

YES
 NO
 UNKNOWN

11a. If 'yes', please provide the following details, to the extent known:

Country of foreign citizenship

Date of acquiring foreign citizenship / /

Country of foreign citizenship

Date of acquiring foreign citizenship / /

11b. Please provide any other relevant details (for example, why you are prevented from renouncing your foreign citizenship, or why the response to question 11 is unknown):

Other relevant details relating to possible disqualification by reason of section 44(i) of the Australian Constitution

[Please provide particulars of, and documents related to, any details provided in your response to questions 11a and 11b. These will be published with this checklist on the Australian Electoral Commission's website.]

12. Are you under sentence or subject to be sentenced, for an offence for which you have been convicted, which is punishable by imprisonment for one year or longer?*

YES
 NO

NOTE: A person convicted of an offence with a maximum penalty of imprisonment for one year or longer may be disqualified even if the sentence imposed on the person for the offence is less than the maximum penalty.

12a. If 'yes', please provide any relevant details:

Relevant details relating to possible disqualification by reason of section 44(ii) of the Australian Constitution

[Please provide particulars of, and documents related to, any details provided in your response to question 12a. These will be published with this checklist on the Australian Electoral Commission's website.]

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13. Are you an undischarged bankrupt or insolvent?*

YES
 NO

13a. If 'yes', please provide any relevant details:

Relevant details relating to possible disqualification by reason of section 44(iii) of the Australian Constitution

[Please provide particulars of, and documents related to, any details provided in your response to question 13a. These will be published with this checklist on the Australian Electoral Commission's website.]

14. Do you hold an office of profit under the Crown, other than an office expressly exempt from section 44(iv) of the Australian Constitution?*

YES
 NO
 UNKNOWN

(Offices of profit under the Crown include, for example, many public sector jobs in Australia.)

14a. Please provide any relevant details, to the extent known (for example, the relevant body in which you hold the office of profit and your role, or why the response to question 14 is unknown):

Relevant details relating to possible disqualification by reason of section 44(iv) of the Australian Constitution

[Please provide particulars of, and documents related to, any details provided in your response to question 14a. These will be published with this checklist on the Australian Electoral Commission's website.]

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15. Do you have a direct or indirect financial interest in any contract or other agreement with the Commonwealth public service?*

<input type="checkbox"/>	YES
<input checked="" type="checkbox"/>	NO
<input type="checkbox"/>	UNKNOWN

Do not count an interest that is expressly excluded from section 44(v) of the Australian Constitution, such as a shareholding in a company that has 25 or more other shareholders.

NOTE: Section 44(v) may disqualify you even if you are not a party to the relevant contract or agreement. A disqualifying financial interest may arise, for example, from an agreement between the Commonwealth public service and a trustee of a family trust of which you are a beneficiary.

15a. Please provide any relevant details, to the extent known (for example, your direct or indirect financial interests, or why the response to question 15 is unknown):

Relevant details relating to possible disqualification by reason of section 44(v) of the Australian Constitution

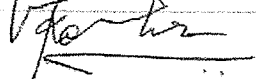
[Please provide particulars of, and documents related to, any details provided in your response to question 15a. These will be published with this checklist on the Australian Electoral Commission's website.]

16. Please provide any additional details relating to your qualification under the Australian Constitution or the *Commonwealth Electoral Act 1918*:

[Please provide particulars of, and documents related to, any details provided in your response to question 16. These will be published with this checklist on the Australian Electoral Commission's website.]

I confirm the information in the checklist provided above, and any additional information provided in support of my statements, to be true and correct, to the best of my knowledge.

Signature of candidate



Date


18 / 3 / 2024

Statutory Declaration
OATHS ACT 1900, NSW, EIGHTH SCHEDULE

I, Vinay Kolhatkar, do solemnly and sincerely declare that on the 6th of November 1991, I became an Australian citizen. Prior to that, I was a citizen of the Republic of India. India did not permit a dual citizenship. As a result, I was required to renounce my Indian citizenship effective that day and I did do so. I did not keep copies of my old Indian passport.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the *Oaths Act 1900*.

Declared at: Sydney on 18 March 2024

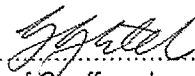


.....
[signature of declarant]

in the presence of an authorised witness, who states:

I, Geoffrey James Cantelo, a NSW solicitor, certify the following matters concerning the making of this statutory declaration by the person who made it:

1. I saw the face of the person
2. I have known the person for at least 12 months



.....
signature of Geoffrey James Cantelo

.....
18 March 2024