

05 October, 2021.

Australian Electoral Commission,

I [Kelly Alexandra Roe] was born in the township of Cambridge, Waikato, New Zealand.

I have recently read the Australian Constitution and have come to believe that I am an Australian, by birth, because the constitution provides that New Zealand is a State of Australia.

As such, I am attempting to enroll to vote so as to fulfil my duty as citizen.

I apologize I did not vote earlier; I did not know I was Australian. We don't get a Civics education on the Australian Constitution in New Zealand. One of my Law Professor's maintains that NZ is not a State of Australia because our Government did not consent.

My understanding is as follows:

WHEREAS the people of New South Wales, Victoria, South Australia, Queensland, and Tasmania, humbly relying on the blessing of Almighty God, have agreed to unite in one indissoluble Federal Commonwealth under the Crown of the United Kingdom of Great Britain and Ireland, and under the Constitution hereby established;

And whereas it is expedient to provide for the admission into the Commonwealth of other Australian Colonies and possessions of the Queen:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

I take it to mean that New Zealand is not one of the states that agreed to unite in Commonwealth (in paragraph one). That is to say, insofar as New Zealand has admission into the Commonwealth it is in virtue of it being expedient (paragraph two).

5. Operation of the Constitution and laws

This Act, and all laws made by the Parliament of the Commonwealth under the Constitution, shall be binding on the courts, judges, and people of every State and of every part of the Commonwealth, notwithstanding anything in the laws of any State...

I take it to mean that the Federal Court of Australia has Jurisdiction over the Supreme Courts of the States. 'Notwithstanding' is tricky but 109 Inconsistency of laws states 'When a law of a State is inconsistent with a law of the Commonwealth, the later shall prevail'. As such, I take this to mean that no amount of protestation from the NZ Government prevents or prohibits NZ from being provided for as a State of Australia on grounds that it is expedient for the Australian Government to regard it as such.

6. Definitions.

***The Commonwealth** shall mean the Commonwealth of Australia as established under this Act.*

***The States** shall mean such of the colonies of New South Wales, New Zealand, Queensland, Tasmania, Victoria, Western Australia, and South Australia, including the Northern territory of South Australia, as for the time being are parts of the Commonwealth, and such colonies or territories as may be admitted into or established by the Commonwealth as States; and each of such parts of the Commonwealth shall be called **a state**.*

I take it to mean that the listed states are (for the time being) parts of the Commonwealth. The clauses are linked by 'and'. In other words, it is established under the Constitution that New Zealand is part of the Commonwealth of Australia.

There has been no amendment to the constitution subsequently removing New Zealand from it's status as State.

As such, if the Electoral Commission will not allow me to enroll to vote I believe I will need to apply for Judicial Review of Administrative Action to have the decision to deny me reconsidered by the Federal Court.

Or, if the Electoral Commission has a better idea of what I need to do (if there is an internal complaints policy or appeals process of similar) then I am open to being advised on that.

Yours Sincerely,

A fellow Australian

Kelly Roe.