Office of:
PRINCIPALITY of HUTT RIVER

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6th January 2012

Your Ref: AG-MC11/12622

J Tsen
Principal Legal Officer
Constitutional Policy Unit
Attorney-General's Department
Australian Government
3-5 National Circuit
Barton ACT 2600
Australia

Dear Sir/Madam

We thank you for your communication and have noted, with due respect, that in your letter of 6th December 2011 you hold the opinion that:-

> "The qualifications specified in Section 34 are expressed to apply only until the Commonwealth Parliament 'otherwise provides'. The Parliament subsequently specified replacement qualifications in the *Commonwealth Electoral Act 1918* and the transitional provisions in section 34 are now spent."

This alteration to the Constitution of Australia required compliance with Section 128 of the Constitution and (Burgess Political 8a11.p.69).
Advice of the date on which the relative referendum was effected is required. Failure to supply such date may result in the afore being, "Ultra Varies", and a result of non compliance with the Constitutional requirements.

There does appear to be a grave misconception, or a deliberate political intention to deprive Her Majesty of that which is by Common Law, property of Her Majesty, as is recognized within the Constitution of the Commonwealth of Australia.

When the Imperial Act of 1948 became effective on 1st January 1949 it took "British Citizenship" off all the people of the U.K. Colonies, Australia duly effected their "Citizenship Act", stating that from 21st January 1949 all persons born in Australia from that date were "Australian Citizens".

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Subsequently the Australian Electoral Acts were formed, whereby it was held that an "Australian Citizen' had the right to "Vote" ,and the right to be elected and hold a seat in the House of Representative or in the Senate.
An error does arise where one takes the preamble of the Australian Constitution and relates it to the Imperial Act of Citizenship of 1948.

However, the preamble is not the ""Constitution" and the present Australian Constitution states:-

> "The legislative power of the Commonwealth shall be vested in a Federal Parliament, which shall consist of the Queen, a Senate, a House of Representatives, and which is here-in-after called 'The Parliament' or 'The Parliament of the Commonwealth'."

Therefore Australia does have a Constitutional Queen.

Under Common Law everybody, whose birth happens within allegiance of the Crown, is a Natural-born Subject. A person who has been naturalized is then a Naturalized, Natural Subject.

The Australian Citizenship Act 1949 and the subsequent Electoral Acts, has the distinct effect of depriving Her Majesty of Her Property, being "Her Subjects".

By the Australian Constitution Her Majesty's Subjects are required to swear allegiance to the Queen from anywhere in the world. A citizen of the commonwealth owes allegiance "within the Commonwealth".

A citizen is an alien to the Subject of the Queen.
There is no Constitutional Authority to deny Her Majesty's Subjects their lawful rights as of the Constitution and Common Law.
Any act which effects such unlawful imposition and or deprives Her Majesty of her property as so held under the constitution and Common Law is thereby an act which may be classed as, "Ultra Varies".

The Australian Constitution requires all members of Parliament to take the Oath of Allegiance, as is therein so specified. There is no provision for a Governor-General to alter that requirement in any way (anson, law and custom of the Constitution 3rd ed. P.6.).

An unsworn member is only debarred from sitting, or voting, he is entitled to all other rights.

The afore is applicable to such members who have not sworn allegiance as Constitutionally required.

The powers of Authority given under the Constitution are powers "within the Commonwealth". When was there a referendum to remove such from Section 51 of the Australian Constitution?

In past communications with Commonwealth Governments of Australia over a period of time, it is very evident of an apparent attitude of contempt towards Constitutional requirements, when the political desire differs from that of the Australian Constitution.

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On various occasions we have raised a number of issues with the Australian Government and the High Commissioner for the U.K., some of which were:-

1. The Australian Government procedure of floating loans, under the loan act, without any appropriation. Interest was included in annual budgets on illegal loan transactions.

2. Not complying with Constitutional requirement of "One Consolidated Trust Fund".

3. In the Commonwealth, public Account 1987-8 "Budget Paper No. 2, page no. 2, with reference to the Australian Constitution, they stated:-

   > "With these developments has come a demand for new uses for statistics on the Government's financial transactions that could not have been envisaged by those who designed a system to meet the needs of the day at the time of Federation".

   No attempt to change the Constitution by a referendum, just contempt, ignore the Constitutional requirements.

4. We pointed out to the High Commissioner of the U.K., that the U.K. had a financial liability, caused by their Governor-General to Australia, and quoted the amount claimable by Australians, as was given to us from the Australian Treasury Files.

   Three months later the news media came out with headlines, "Australia and the U.K. are rushing through legislation to sever all Constitutional ties.

   In subsequent correspondence, the High Commissioner, in response to my questioning him, never ever denied that our letter was instrumental in the afore severance of Constitutional ties.

<u>In Summarizing the main concerns</u>

1. The Constitution of the Commonwealth of Australia has a Queen, who is therefore Head of the Parliament of the Commonwealth of Australia.

2. The Queen as Head of the Parliament of the Commonwealth of Australia has, under Common Law, Subjects of the Queen, being those born in the territory of the Crown, and those who have been Naturalized, and both are thereby "Natural Subjects" and owe their allegiance to the Queen as per the Australian Constitution.

3. Any act of the Australian Parliament, which by its application is effectively claiming Authority to cancel and thereby substitute the afore sections 1 and 2, when no such Authority exists, is there with "Ultra Varies".

4. A Citizen of a Commonwealth owes their allegiance to "within the Commonwealth".

5. Where persons of a public office have been challenged, on the factor that they are sitting in office without lawful authority, their right to, whilst unchallenged, allows them to act in capacity, but upon being challenged their right to act in capacity ceases.

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6. The Constitution of the Commonwealth of Australia is an agreement. The principle of an agreement, where one breaches such agreement, is that such person then loses all rights and privileges that they otherwise had.

7. The recognition of people whose character by birth or naturalization is lawfully then of a "Natural Subject" shall not be denied from the Crown Subjects.

8. In the event of those who have been challenged, in both houses of Parliament, there does not exist a Quorum of unchallenged members by which any act of Parliament may be lawfully passed and proclaimed.

   All such acts of parliament as might be passed without a lawful Quorum, may be legally challenged at any time in the future.

9. It should be noted that the founders of the Constitution of the Commonwealth of Australia gave the Parliament thereto certain powers of authority.

   Under section 51(xix) the authority given is for, "Naturalization and Aliens".

   The founders were Natural Subjects, and an Alien upon being Naturalized becomes a Naturalized Natural Subject.

   The purpose of the Constitution was for the good Government, etc by the Parliament of the Commonwealth of Australia, for the United Natural Subjects of the States of Australia, whose lawful character of that of a Natural Subject is protected unde Common Law, which neither the Parliament of the U.K. of the Parliament of Australia may by any act of Parliament deny the validity thereof or make unlawful change of denial of the lawful fact thereof.

   Any act of Parliament which assumes an authority related to this matter, where no lawful authority exists, then such an act is "Ultra Varies".

Therefore your statement of 6th December 2011 quoted herein is therefore without professional/legal credibility, being in effect, "Ultra Varies", and therefore no law at all.

The afore is intended as a light brief for consideration and discussion, from which Constitutional, mutual resolvements of many issues might be pursued.

Yours truly

HRH Prince Leonard
Sovereign
Principality of Hutt River

cc: HE Ms. Quentin Bryce AC, Governor-General of the Commonwealth of Australia
The Hon. Colin Barnett, Premier of Western Australia

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