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EXTENDED CHALLENGE
to the

STATEMENT OF CONSTITUTIONAL CHALLENGE
Dated 4th October 2011

by

H.R.H. PRINCE LEONARD GEORGE CASLEY

Where the present level of relationship between the present Government of Australia and the Government of the Principality of Hutt River leaves much more improvement to be desired.

In order of achieving any such improvements in mutual relations such can only be entertained by the Government of the Principality of Hutt River with the Commonwealth of Australia or its ministers wherein they are with lawful Constitutional authority to so act in their seat within the Parliament of the Commonwealth of Australia.

We therefore raise the challenge for the Parliament of the Commonwealth of Australia to consider the matter of those who are currently sitting in Parliament of the Commonwealth of Australia without Constitutional Qualifications.

1. In this respect the Constitution of the Commonwealth of Australia requires all laws there of to be in accordance with the Constitution, otherwise there are ultra vires and a nullity.
2. The Australian Constitution, Chapter 1, Part II, Section 16 states:

“The qualifications of a Senator shall be the same as those of a member of the House of Representatives.”

3. The Australian Constitution Part III.
The House of Representatives Section 34(ii) states:-

“He must be a subject of the Queen, either natural-born or for at least five years naturalized under a law of the United Kingdom or of a Colony which has become or becomes a State, or of the Commonwealth, or of a State.”

Notations of Specific Requirement

The Australian Constitution require for qualification of nominating for election in both the Senate and the House of Representatives in the Parliament of Australia is that, “HE”, is a Subject of the Queen.

Notations of General References

From the commencement of the Commonwealth Constitution of Australia, the people of Australia were, “Subjects of the Queen”.

Those who were born within the British Dominion were a “British Subject”, and thus known as “jus Soli” or the territorial test of nationality.

The British Parliament being a Sovereign legislature, may pass laws binding on its “Subjects”, all over the world, but, according to the principles of international law.

In 1948 the Great Britain Citizenship Act, withdrew the British citizenship, effective on 1st January 1949, from all the people of the British Dominions, including Australia, and giving these people “Citizenship of the Commonwealth of Nations”.

The British Dominions then issued their own respective Citizenship Acts of Parliament. The Government of Australia passed their citizenship act, giving “Australian Citizenship” to all who were thence born in Australia commencing from 26th January 1949, with provision that those who lost their British citizenship, and did not qualify for the Australian citizenship may apply to the Minister for citizenship of Australia.

Those who lost their status of “British Subject” thence had the status of being an” Alien”, not only to Australia, but also to all the British Dominions, even though having the status of Citizenship of the Commonwealth of Nations.

Where it is sought to express a political relationship more comprehensive than either that of the State or that of the Commonwealth, the term used is one derating British Nationality – “a Subject of the Queen”.

Thus the different graduations of political status recognized by the Australian Constitution are:-

- “Subjects of the Queen”
- “People of the Commonwealth”
- “People of a State”

A “Subject” is one who, from his birth or oath, owes lawful obedience or allegiance to his liege Lord or Sovereign, anywhere in the world. “Citizen” is the term usually employed for people under a Commonwealth of Republic government, and such people owe allegiance “within the Commonwealth”.

Natural allegiance is that which every subject born, from his birth, owes to his Sovereign. He is said to be a natural liegeman, as the Sovereign is said to be his natural liege Lord.

Under British law, until the Naturalization Act of 1870, no natural born British Subject could divest himself of his allegiance, but since that act he may make a declaration of alienage and thereafter ceases to be a “British Subject”.

The Commonwealth of Australia is, quasi-Federal State or quasi Natural State (quasi Sovereign).

The members of the House of Representatives are chosen by the people of the Commonwealth of Australia, who by the Citizenship Act of Australia have “Australian Citizenship”.

Within the Constitution of Commonwealth of Australia there is no authoritative reference to that of “Australian Citizen”. Reference in this respect is that of “British Subject”.

In Australian Government publications this fact is admitted publicly that such may by their quotation have no Constitutional Authority.

Therefore, at the time of elections for the Senate or the House of Representatives of the Commonwealth of Australia, no persons born in Australia, or who have become a Naturalized Australia Citizen have the required constitutional qualification of Subject of the Queen for nominating to be elected to the Senate or the House of Representative or the Parliament of the Commonwealth of Australia.

A person elected to the Senate or the House of Representatives, without having the required constitutional qualification and who does not at that time owe allegiance to his liege Lord or Sovereign, has no lawful authority to swear an Oath of Allegiance or Affirmation of Allegiance.

Letters Patent

Relating to the Office of Governor-General of the Commonwealth of Australia dated 21st August 1984 states”-

“... and whereas, by Section 4 of the Constitution of the provisions of the Constitution relating to the Governor-General for the time being, or such person as the Queen may appoint to administer the Government of the Commonwealth.

III. We declare that:-

- (a) the appointment of a person to administer the Government of the Commonwealth under Section 4 of the Constitution of the Commonwealth shall be during Our pleasure by Commission under our Sign Manual and Great Seal of Australia.”

Notation

The Letters Patent, given at Court at Balmoral on 21 August 1984, stipulate that an appointment of a Governor-General of the Commonwealth of Australia shall be as under Section 4 of the Constitution of Australia.

Australia Act 1986, Section 5 states:-

“Commonwealth Constitution, Constitution Act and Statue of Westminster not affected.

Sections 2 and 3(2) above:-

- (a) are subject to the Commonwealth of Australia Constitution of the Commonwealth; and ...”

4. The Australian Constitution, Chapter 1. The Parliament, Part 1 – General, Section 2 states:-

“A Governor-General appointed by the Queen shall be Her Majesty’s representative in the Commonwealth, and shall have and may exercise in the Commonwealth during the Queen’s pleasure, but subject to this Constitution, such powers and functions of the Queen as Her Majesty may be pleased to assign to him.”

Notation

Australia Act 1986 states:-

“An act taking constitutional arrangements affecting the Commonwealth and the States into conformity with the Status of the Commonwealth of Australia as a Sovereign Independent and Federal State.”

Notation

The Commonwealth of Australia is not a Sovereign State, the Commonwealth is a quasi Sovereign Federal State.

This act required a majority of both Houses of Parliament to have any lawful application of amendment to the Constitution of the Commonwealth of Australia or a referendum of alteration.

No person born in Australia since 1st January 1949 is a natural liegeman who owes allegiance to his natural liege Lord. They hold Australian Citizenship and owe allegiance, for, within the Commonwealth of Australia.

5. Whereas, a person sitting in a public position without Lawful Authority may “Act in Capacity”, until challenged.
6. We extend our challenge herewith to all who are sitting in Parliament without the required Australian Constitutional Authority as herewith specified.
7. From the time of presentation of this challenge being received, then all who are sitting in the Senate and The House of Representatives without Australian Constitutional Qualifications no longer have Lawful Capacity to continue to “Act in Capacity”.
8. Any assertion of a claim in response to this challenge by any Senator or Representative of The House of Representatives of any otherwise lawful right to continue to “Act in Capacity”, is invited to be given in response.
9. Failure to give any proven Constitutional Lawful Right to so continue to Act in Capacity is thence an admittance of the Constitutional facts in the challenge as so stated.

10. Without any receipt of Constitutional Qualifications as has here been stated, then every day from the date of your receipt of this Statement of Constitutional Challenge, or notice of your vacating your seat in the Australian Parliament, then each day is one that may be calculated as that of your so “Acting without Lawful Constitutional Authority”.
11. The Constitution of the Commonwealth of Australia is the Supreme Law of Australia and is binding on the courts, judges and the people of every part of the Commonwealth.
12. Where as this constitutes a challenge of the lawful validity of the present persons being the Governor-General, the Senators and Representatives to act in capacity in the parliament of the Commonwealth of Australia, at this time, being without lawful qualifications to such position by electors within the Parliament thereof.

H.R.H. Prince Leonard George Casley
Sovereign
Principality of Hutt River

Dated: This 7th day of October, 2011