



## **HUTT RIVER PROVINCE** **(PRINCIPALITY of HUTT RIVER "PHR")**



### **JUDICIAL FACTORS EFFECTING THE LEGALITY OF SECESSION**

- 1. The West Australian Government in November 1969 applied an unlawful imposition upon all the Wheat Farmers in Western Australia.**

**That is, they applied quotas, (a restriction on the quantity of wheat which each farmer could sell), farmers could grow as much as they liked, but they were restricted on the amount which could be sold.**

**But the West Australian Government did not have, at that time, any Government Legislation authorising such an imposition.**

**It was therefore an unlawful imposition upon people who were peacefully going about their lawful business of production and sales.**

- 2. The West Australian Government did however have a Bill before Parliament which was the proposed legislation to authorise the wheat quotas.**

**Two clauses in that Bill were very disturbing.**

- a) No appeals would be allowed,**
- b) No compensation would be considered**

- 3. The wheat quotas were intended and in general, brought out to effect a 10% reduction in growers sales when compared with the growers previous year's figure; - i.e. if the previous year saw 2000 acres cropped and sold by a farmer, then the following year's quota would be 1800 acres, a reduction by 10% of past sales.**

- 4. The Casley's had for the previous twenty years, produced and sold annually, 6000 acres of wheat. The quota they received in November, when the crops were ready to harvest, equalled 100 acres!**

5. After having immediately travelled to Perth, Western Australia in order to check the Parliamentary Wheat Quota Act, to see what could be done about this devastation being effected upon them by this quota, and finding the afore factors, Mr Leonard G. Casley returned to their Property and wrote three protests to:-

- a) The Wheat Quota Board
- b) The Government of West Australia
- c) The Governor of West Australia

6. The Wheat Quota Board and the Government of Western Australia never replied. The Governor Sir Douglas Kendrew wrote stating that he had called for Government advice.

That advice to him, from the Government of Western Australia was:-

- "No alteration whatsoever to the Casley quota would be considered.

This then was a major threat, the taking of their "economy by unlawful means".

7. As the Governor had no Parliamentary Law to enable him to enforce that unlawful imposition and he was himself acting in the name of the Queen, the Sovereign of Western Australia, he did commit, on Government advice, an offence in Law, which made her Majesty The Queen liable in "Tort", to the Casley's.

8. The, "unjust enrichment principle", (an international law principle) thus came into effect. It states:-

- If something is unjustly taken from one, and given to another, then compensation must be made.

Thus, in conjunction with both the, "Unjust Enrichment Principle" and the Law of, "Tort, the Casley's calculated a Compensation claim and lodged that claim with the Governor of Western Australia.

The Amount claimed was Fifty Two Million Dollars plus Interest accruing at a rate of 7% from the 1st January 1970. That claim still stands!

**This Claim was calculated in the following way.**

- **Under the applied unlawful wheat quota effected upon them, they would need to purchase a further 1,500 million acres in order to be able to crop under that quota ratio, the total acres which they had previously legally cropped and sold. This amount of Land would cost \$52 Million Dollars to purchase thus, on January 1<sup>st</sup> 1970 a claim equal to that amount + interest at the rate of 7% per annum was lodged with the Governor of Western Australia.**

**9. This Claim was never rejected.**

**Two weeks after lodging that claim, the Western Australian Government introduced into Parliament a Bill, under which, when it became an Act of Parliament, the Western Australian Government could forcefully take the Casley's land from them, but the Land Titles for these lands of the Casley's' which is an agreement between the Sovereign and the land owner, stated therein that:-**

- **No more than 1/20<sup>th</sup> of any of these lands could be resumed for any purposes whatsoever.**

**So, Leonard G Casley lodged another protest with the Governor of Western Australia, pointing out that this Western Australian Government intention was also unlawful, and he asked that the threat to resume their lands be withdrawn.**

**10. After a month had passed, no response to the later protest had been received and the West Australian Government was trying to rush the new Bill through Parliament.**

**This then presented the Casley's with quite a problem as to how they could effect and receive a legally & just resolution to these matters, for they had no desire to be so blatantly and unjustly destroyed, both economically and financially.**

**11. It was resolved that there were two avenues available:-**

**a) To sue Her Majesty the Sovereign of Western Australia in court under the Law of "Tort", but to do this they needed Her Majesty's permission to sue Her.**

**This then was not at all satisfactory and may never be permitted.**

**b) The other alternative was to effect "The International Law of Self Preservation".**

**This law Principle states that it is Lawful to create a "Self Preservation Government" if:-**

**i. The Economy has been taken and**

**ii. There is a threat to effect the loss of the Lands.**

**These conditions both existed and to prevent their lands from being taken and to enable them to work on rectification of their economy they seceded by creating a "Self Preservation Government", a Government which has been effective now for 45+ years and this self-preservation government does control and govern this territory and its Subjects, which amounts to many thousands around the globe.**

**12. But whilst they served their Secession notice on the West Australian Government, West Australian Governor, the Government of the Commonwealth of Australia and the Governor-General of Australia, they did offer the Sovereignty to Queen Elizabeth II, which She could have accepted under a "Royal Prerogative Absolute".**

**That is that QEII could have become the Queen of Hutt River Province, but She did not accept. Today, Australia itself is strongly discussing becoming a Republic, however, the Casley's never intended to take the Sovereignty from the Queen but to simply find within the law, just & legal rectification.**

- 13. The Commonwealth Government of Australia and the Governor General affirmed in writing, that they could not, constitutionally, interfere in this secession.**

**The Governor of Western Australia convened a meeting with Leonard G. Casley. This meeting was held in Government House in Perth, Western Australia.**

**The Governor instructed his Secretary, Lt Colonel John Burt to hold this meeting with Leonard Casley on the matter of the secession.**

**Leonard Casley came out of that meeting with the Queens permission being given for the Secession through Her representative Lt Colonel John Burt, who later on became the appointed representative of the Principality to Western Australia and held a Diplomatic Passport of the Principality.**

- 14. Under Principles laid down in Great Britain there are procedures required to be followed on such an occasion, especially when seeking formal recognition. Some of these procedures are:-**

- a) Naming of the area seceded**
- b) Election of a Government and notification of the
  - i. Ministers names.**
  - ii. Adoption of a Flag.****

**All of which were appropriately done.**

**In respect of consideration to be given by one considering giving recognition, the Principles state:-**

- "Legal validity of the Government seeking recognition is not the question to be considered, but the right of the Government to speak for the people it represents.**

**Of course the Casley's elected Government was the only Government speaking in the interests and speaking with the permission of the people so affected.**

**No Government raised any opposition to the secession.**

15. Over the years numerous changes of Government have occurred within Australia. Various Prime Ministers of Australia have made efforts to regain the Territory of the Hutt River Province, with various methods of frustration of intentions by the Australian Government towards the Government of Hutt River Province. On several occasions such pressure being exerted amounted to an outright state of conflict, thus it became necessary to bring into effect the:

"Geneva Conventions of 12th August 1949"

Due Notice by the Government of Hutt River Province, (who are not a signatory to these Conventions), was given to the Government of Australia, (who are a signatory), and the Conventions' had been ratified by Australia and therefore were matters of Australian law.

In these Conventions it states:-

Where a Party of a Conflict gives notice of acceptance and application of these conventions, (a Party who is not a signatory), upon the other Party to the conflict who is a signatory, then, irrespective of whether one Party to the Conflict recognises the other or not, upon the giving of the notice of acceptance and application of the conventions, these conventions shall apply upon their relations.

Within these conventions it specifies that the "Government in occupancy shall Govern".

The conventions also specify that signatories to the conventions shall instruct all of their personnel to comply with these conventions.

Therefore, under Australian law, the Government of Hutt River Province is the only Government authorised by the law of Australia to Govern the Hutt River Province, however, certain Government Departments and even politicians of Australia have In fact, by their advocacy, been denying the application of the Geneva Conventions with regards the Principality, been committing an offence in law, in circumventing an Australian law.

**This is once again a breach of Australian Law, a repudiation of the Geneva Conventions, and thereby a denial of human rights, in which case, the United Nations in its concern for Human Rights observance by its members should not admit Australia**

- 16. At one period when pressure from Australia was very heavily effecting a "State of Cold War" existed, thus the Government of Hutt River Province sent official word to the Governor-General that, "a state of war now existed between the Hutt River Province and the Commonwealth of Australia".**

**Three days later the Government of the Hutt River Province sent word to the Governor-General of Australia that the "state of war" had now officially ceased and that it was entrusted that he would enforce, on his Government, that they respect the laws of war, under which Sovereignty is automatic to a Country undefeated following a state of war.**

- 17. Whilst Australia claims to be a Constitutional Monarchy and holds publicly that it Governs Australia in accordance with its Constitution, anyone who believes this, is not acquainted with the true facts.**

**In financial administration, the Commonwealth of Australia in its normal Budget paper No.2 1987/88 shows a breach of the Constitution by not complying with and stating that; *"The founders of the Constitution could not have envisage the circumstances of today"*..**

**In fact, when the annual budget of Australia is firstly presented to the Governor-General for his approval, after which it is then returned to Parliament for the Parliament to vote on, the Governor-General, acting in the name of the Queen does not reject the proposed Budget despite the fact that it is not in accordance with the Constitution.**

**Such facts have, in the interest of Hutt River Province Subjects living within the Commonwealth of Australia, been drawn to the attention of Her Majesty, the Governor-General of Australia and Prime Minister of Australia on occasions, but the requirements of the Constitution remain ignored.**

Hence, not only have the people of Hutt River Province, who were originally effected by a Government who would *not* conform to their own laws, but in fact all people within the Commonwealth of Australia are governed by an Australian Government which consistently refuses to obey its own laws.

18. Of course, all International States who knowingly condone such offences in law against people, are then, in principle, abetting the offences and may, in assisting such a State, be equally guilty in law.
19. In any action of unlawful belligerence, then in International Law, no new Powers of authority may be taken, thus Australia, by unlawful belligerence, does not gain any lost authority and the Principality may elect a Protector State.
20. At one period the Western Australian Government was to lay electric power into the centre of Hutt River Province, but then withdrew the offer on the stated factor that they had no Legislation to sell power internationally and the Hutt River Province still produces and provides its own electricity.
21. An official Western Australian Government Map was produced by the W.A. State Government and on it was stated that the Hutt River Province Principality seceded on 21<sup>st</sup> April 1970 and became an International Independent Sovereign State; the area of that Principality was also shown and detailed.

Hence – *Fate Accompli.*