

*PRINCIPALITY  
OF  
HUTT RIVER*



*CONSTITUTION*

## **Versions**

Original Constitution - effected 1<sup>st</sup> October 2005

replaced with:

**This Revised Constitution Rev 01**  
**Effective 1<sup>st</sup> January 2011**

**Rev 01**

**Revised/Edited by:**

**Mr Jeffrey Stodart Poole COWL**

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## **Preamble**

Whereas the Institutions of the Principality of Hutt River need to be established both to meet the needs of our international relations for the proper administration of the country and to meet the needs generated by new development projects of the Principality of Hutt River, We are resolved to endow the State with a new Constitution, which, by our Sovereign Will, will henceforth be considered as the fundamental Law of the State and cannot be modified other than under the terms which We have defined.

## **Part I** **The Principality - Public Authorities**

### **First article.**

The Principality of Hutt River is a Sovereign State independent from the Commonwealth of Australia since April 21st, 1970.

The Principality of Hutt River exercises its Sovereignty within the framework of the general principles of International Law by refraining from harming the fundamental interests of the Commonwealth of Australia in the areas of economic, security and defence matters.

The territory of the Principality of Hutt River is inalienable.

**Article 2.**

The principle of the Government is an hereditary Constitutional Monarchy.

The Principality of Hutt River is committed to the rule of law and respect for fundamental Human Rights and Freedoms

**Article 3.**

Executive power is vested in the Sovereign and is exercisable by the Sovereign's appointed representatives, and extends to the execution and maintenance of this Constitution, and of the laws of the Principality of Hutt River.

The Sovereign is the head of the Defence Forces and chairs the Councils and Superior Committees of National Defence.

The person of the Sovereign is inviolable.

**Article 4.**

Legislative power is exercised by the Sovereign and the Parliament.

**Article 5.**

Judicial power is exercised by the High Court and any other Court as established under this Constitution

**Article 6.**

The Legislative, Executive and Judicial powers of Government are separate.

**Article 7.**

The National Flag, National Seal, and the Armorial Bearings of the Sovereign, members of the Royal Family and Government Bodies as well as any other Symbols of State are determined under the authority of the Earl Marshal in consultation with the Royal College of Heraldry or their successors in law and are as published by the Earl Marshal.

**Article 8.**

English is the official language of the Principality of Hutt River with French and Esperanto as second and third languages.

**Article 9.**

The Principality of Hutt River insures absolute freedom of conscience for its citizens. Church and State are separate

## **Part II**

### **The Sovereign and devolvement of the Crown**

#### **Article 10.**

Succession to the throne, opened by death or abdication, takes place in the direct and legitimate descent of the reigning Sovereign, in order of primogeniture, with the approval of the Crown Council.

In the absence of direct and legitimate descendants, the succession operates for the benefit of brothers and sisters of the reigning Sovereign and their direct legitimate descendants in order of primogeniture.

If the Heir who would be called to ascend the throne under the preceding paragraphs died or withdrew from the succession before the opening of succession, devolution takes place in favour of his own direct and legitimate descendants in order of primogeniture.

If the application of the paragraphs above does not fill the vacancy of the throne, the succession takes place in favour of a collateral appointed by the Crown Council and the Sovereign's powers are temporarily exercised by the Crown Council until such appointment is made.

Succession to the Throne can only take place for the benefit of a person having citizenship of the Principality of Hutt River the day of the opening of succession.

The application of this article is governed by the Statutes of the Sovereign family.



**Article 11.**

For the exercise of Sovereign power, the age of majority is fixed at eighteen.

The organization and conditions of exercise of a Regency during the minority of the Sovereign or in the case of his inability to perform his duties are imposed by the Statutes of the Sovereign family and exercised by the Crown Council acting as a Council of Regency.

**Article 12.**

The Sovereign exercises his Sovereign authority in accordance with the provisions of the Constitution and the Laws of the Principality of Hutt River.

**Article 13.**

The Sovereign represents the Principality of Hutt River in its relations with Foreign States.

**Article 14.**

The Sovereign signs and ratifies International Treaties and Agreements in consultation with the Crown Council and reports through the Minister of State to the Parliament.

The following must be ratified by supporting legislation

- a) Treaties and International Agreements affecting Constitutional organization;
- b) Treaties and International Agreements whose ratification entails the modification of existing legal measures;
- c) Treaties and International Agreements whose execution have a budgetary expense not foreseen in the current Budget.

The Executive Government must report on the Foreign Policy of the Principality of Hutt to the Parliament on an annual basis.

#### **Article 15.**

In consultation with the Crown Council, the Sovereign exercises the rights of pardon, amnesty, naturalization and reinstatement of nationality.

#### **Article 16.**

The Sovereign as *fons honoris* has the right to confer Orders, Titles and other distinctions on any person he thinks fit.

The Sovereign may make Civil and Military appointments subject to this constitution

### **Part III**

## **Liberties and Fundamental Rights**

#### **Article 17.**

All Citizens of the Principality of Hutt River are equal in the eyes of the Law.

#### **Article 18.**

The process of acquiring Principality of Hutt River nationality and residency is governed by legislation enacted under this Constitution.

Subject to disqualification under legislation established under the first paragraph of this Article all descendants of a ruling Sovereign are citizens of the Principality of Hutt River by right of birth.

#### **Article 19.**

Citizens of the Principality of Hutt River are guaranteed individual freedom and security. No one can be prosecuted except for breaches of the law, and before the Courts, as established under this constitution.

Except in the case of *flagrante delicto*, no person may be arrested except by a warrant issued by a Judge, such warrant must be served at the time of arrest or within twenty-four hours. Any detention must be preceded by an interrogation.

**Article 20.**

No penalty except that established by law can be applied. Any law establishing a penalty must take account of Human Rights and Dignity and cannot be retrospective. Capital and Corporal Punishment are banned.

**Article 21.**

A Citizen's normal place of domicile is inviolate and no search can take place except where provided for by Law.

**Article 22.**

Everyone has the right to privacy in their family life and correspondence.

**Article 23.**

Freedom to assemble and the right to free speech are guaranteed, unless they breach Human Rights and Dignity

**Article 24.**

Nobody can be deprived of his property except for public utility, but only then when legally notified and for just compensation.

**Article 25.**

Freedom to work is guaranteed and is regulated by legislation.

Priority is afforded to citizens of the Principality of Hutt River for accession to public and private employment as provided by law or International Conventions.

**Article 26.**

All Citizens of the Principality of Hutt River must provide for themselves either individually or in association for their social welfare and old age pension.

**Article 27.**

All Citizens of the Principality of Hutt River have the duty to educate their children until maturity and give them every chance to integrate themselves into the World.

**Article 28.**

Any person can defend his rights and interests and has the right to a fair trial

**Article 29.**

Citizens of the Principality of Hutt River have the right to peaceful assembly, without weapons, in accordance with the laws that regulate the exercise of this right without subjecting it to prior authorization. This freedom does not extend to outdoor gatherings, which remain subject to police regulation.

**Article 30.**

The Freedom of association is guaranteed under the Laws which regulate it.

**Article 31.**

Each Citizen can petition public authorities.

**Article 32.**

*Article deleted 1st January 2011 under the terms of Articles 93 and 94 for constitutional amendment*

## **Part IV**

### **Territory, Public Domain and Public Finances**

#### **Article 33.**

The subsurface of the territory of the Principality of Hutt River is the property of the State, and the surface lands the property of the Crown except where alienated to the Public Domain.

All surface lands can be subject only to leases or concessions in accordance with the Laws of the Principality of Hutt River.

#### **Article 34.**

The Crown's possessions allocated to the exercise of Sovereignty are inalienable and imprescriptible.

The Crown's possessions covered by this article are governed by the Statutes of the Royal Family

#### **Article 35.**

Laws regulating Public Domain possessions must be consistent. The Public Domain is inalienable and imprescriptible.

The deregistration of a Public Domain possession can only be achieved by the application of legislation to enable the deregistered possession to be absorbed into the State Domain

**Article 36.**

The deregistration of a State Domain possession can only be achieved by the application of legislation which will enable the deregistered possession to be alienated from the State Domain

Any transfer of a part of a company's issued capital in which the State possesses at least fifty percent and which has the effect of transferring the majority of this capital to one or several physical persons or legal entities of a private nature must be authorized by legislation.

**Article 37.**

The National Budget is to include all receipts and all Public Expenditures of the Principality of Hutt River.

**Article 38.**

The National Budget is to represent the Economic and Financial Policy of the Principality of Hutt River.

**Article 39.**

*Article deleted 1st January 2011 under the terms of Articles 93 and 94 for constitutional amendment*



**Article 40.**

The expenses of Sovereign House are fixed in the Budget and are taken by priority from the general receipts of the Budget.

**Article 41.**

Any Budget surplus is to be transferred to a Constitutional Reserve Fund. Any Budget deficit is to be drawn from the same account.

**Article 42.**

*Article deleted 1st January 2011 under the terms of Articles 93 and 94 for constitutional amendment*

## **Part V**

### **Executive Government**

#### **Article 43.**

The Executive power of the Principality of Hutt River is vested in the Sovereign and is exercisable by the Minister of State as the Sovereign's representative assisted by a Cabinet consisting of as many Ministers, Vice Ministers and State Secretaries as considered necessary

#### **Article 44.**

The Minister of State as the Sovereign's representative has responsibility for the executive services of Government and is Head of the Police Force. The Minister of State chairs, with a casting vote only, the Cabinet.

#### **Article 45.**

Royal Decrees are formulated by the Cabinet and are presented to the Sovereign with the reasons for them under the signature of the Minister of State. They only become enforceable when signed by the Sovereign.

**Article 46.**

Royal Decrees:

- a) relative to the status of the Sovereign Family as well as those concerning its Members;
- b) concerning cases within the competence of the Management of Judicial Services;
- c) concerning appointment of
  - a. Members of the Sovereign House,
  - b. Members of the Diplomatic and Consular Corps,
  - c. The Minister of State,
  - d. Ministers of Government and the assimilated civil servants,
  - e. Military Leaders of the Armed Forces, and
  - f. Magistrates of the Judiciary;
- d) granting the Exequatur to Consuls and accreditation to Ambassadors;
- e) concerning the dissolution of the Parliament, and
- f) conferring awards

are exempted from the deliberations of the Cabinet and are the prerogative of the Sovereign.

**Article 47.**

The Royal Decrees that are deliberated in the Cabinet and signed by the Minister of State must be passed on to the Sovereign within twenty-four hours of their signature and become enforceable only after signed by the Sovereign.

The Sovereign may delegate his signature for some Decrees or some categories of Decrees to the Minister of State. These are enforceable as soon as they are signed by the Minister of State

**Article 48.**

Except as provided by law, the distribution of matters between the Law and Royal Decrees is covered by Royal Decree

**Article 49.**

Deliberations of the Cabinet are to be recorded in a register and signed, following a vote, by the Members present.

The register is to record the vote of each Member

The Register is to be transmitted within five days after a meeting, to the Sovereign, who can Veto the decision.

**Article 50.**

*Article deleted 1st January 2011 under the terms of Articles 93 and 94 for constitutional amendment*

**Article 51.**

Fundamental obligations, rights and guarantees of civil servants, as well as their civil and criminal liability, are fixed by Law.

**Part VI  
The State Council**

**Article 52.**

*Article deleted 1st January 2011 under the terms of Articles 93 and 94 for constitutional amendment*

**Part VII  
The right to vote and Parliament**

**Article 53.**

Citizens of the Principality of Hutt River of either sex are eligible to vote in elections as fixed by Legislation, if they:

- a) are at least eighteen years old,
- b) possess Principality of Hutt River nationality with a domiciliation in the Principality of Hutt River, and,
- c) are not deprived of the right of vote for any cause provided for by the Law.

**Article 54.**

The Parliament consists of twelve Members, elected for five year terms by direct universal suffrage and the electoral roll in conditions provided for by Legislation.

Citizens of the Principality of Hutt River of either sex are eligible for election to the Parliament, if they are:

- a) over twenty five years old,
- b) possess Principality of Hutt River nationality with a domiciliation in the Principality of Hutt River Principality of at least one year, and
- c) are not deprived of the eligibility for any causes provided for by Law.

Legislation determines the functions which are incompatible with a person's election to the Parliament

**Article 55.**

The control of the regularity of elections is entrusted to the Courts, in conditions provided for by the Law

**Article 56.**

The Members of Parliament do not incur any civil or penal liability as a result of opinions expressed or votes taken by them in the exercise of their mandate.

They may not, without the permission of the Parliament, be prosecuted or arrested during a session because of a criminal offence or civil action, except in cases of *flagrante delicto*.

**Article 57.**

The recently elected Parliament meets at the latest the thirtieth day after elections to elect its Committee. The longest serving Parliamentarian chairs this session until a President is selected under Article 60.

Subject to Article 74, the powers of the previous Parliament expire upon the first day of meeting of the new Parliament.

**Article 58.**

The Parliament shall meet each year in two ordinary sessions. The first session opens on the 21st day of April and the second session opens on the 21st day of August. The duration of any session cannot exceed three months. The closing of a session is pronounced by the President.

**Article 59.**

The Parliament meets in extraordinary session, either upon summons of the Sovereign, or, at the request of at least two thirds of the Members, upon convocation from the President.

**Article 60.**

The Committee of the Parliament includes a President and a Vice-President elected each year by the Assembly from among Members. Mayor's Offices are incompatible with those of President and Vice-President of the Parliament.

**Article 61.**

The organization and functioning of the Parliament are determined by Internal Regulation fixed by the Parliament.

This Regulation must, before application, be submitted to the High Court, which pronounces on its constitutional and legislative legality.

**Article 62.**

The Parliament shall, subject to this paragraph, determine its own agenda for each session. This is communicated to the Minister of State at least three days prior to the commencement of a session. At the request of the Government, one session at least must be dedicated to the discussion of proposed legislation submitted by the Sovereign.

The agenda for special sessions convened by the Sovereign is to be given in the summons.



**Article 63.**

Parliament's sessions are public. However the Parliament can decide, with a two-thirds majority of present Members, to sit behind closed doors.

The report of public meetings is printed in the Official Newspaper.

**Article 64.**

The Sovereign communicates with the Parliament directly or by messages which are read by the Minister of State.

**Article 65.**

The Minister of State and the Members of the Government may attend the Parliament's sessions. They must be heard when they ask to speak.

**Article 66.**

Passed legislation implies an agreement between the Sovereign and the Parliament.

The Sovereign has the right to initiate Legislation. The consideration and voting of legislation belongs to the Parliament.

#### **Article 67.**

The Sovereign approves proposed legislation by signing it. Such Bills are submitted to him by the Cabinet under the signature of the Minister of State. After the Sovereign's approval, the Minister of State deposits them with the Parliament for consideration.

The Parliament has the power to initiate Legislation.

In case of a delay of six months from the reception date of a Bill proposal by the Minister of State, he must inform the Parliament of :

- a) Either his decision to transform the Bill proposal, possibly amended, in a Bill which follows the procedure in the 1<sup>st</sup> paragraph. In this case, consideration of the Bill is delayed for one year from the expiration date
- b) Or his decision to interrupt the legislative procedure. This decision is to be clarified by a statement registered by notice on the agenda of a public meeting of the ordinary session foreseen during this delay. This statement can be followed by a debate of the Bill.
- c) Or his decision to withdraw the Bill

The same procedure is applicable in the event where the Government did not pass on the Bill after the delay of one year seen in the paragraph 2 a).

The Parliament has the right to amend Bills before it. As such, it can propose additions, replacements or abolitions in a Bill but amendments can only have a direct link with the intent of the Bill. The final vote is taken on the bill with any amendments, unless the

Government determines to withdraw the bill before the final vote.

The previous paragraph is not applicable either to Bills to authorize ratification, or to Budget Bills.

At the beginning of each ordinary session, the Parliament makes it known, during a public meeting, the status of all Bills deposited by the Government, whatever the dates of deposit.

**Article 68.**

The Sovereign delivers the necessary Royal Decrees for the execution of Laws and for the application of Treaties or International Agreements.

**Article 69.**

Legislation and Royal Decrees are opposable by a third party only the day after their publication in the Official Newspaper.

**Article 70.**

The Parliament must approve the Budget by a vote.

Direct or indirect contribution to the budget can only be established by Legislation

Any Treaty or International Agreement having the effect of the establishment of such a contribution can be ratified only by legislation.

**Article 71.**

The Budget is to be presented to the Parliament before September 30th. The Budget is to be voted during the August session of the Parliament.

**Article 72.**

The Budget is to be voted chapter by chapter. Once voted transfers from one chapter to another are forbidden, except in cases authorized by Legislation.

The Budget allocates the amount which is to be at the disposal of the Municipal Councils for the incoming year.

**Article 73.**

In the event of the Budget vote in accordance with Article 71 not having been held before December 31st, credits corresponding to requested services can be allocated by Royal Decree, and later confirmed by the Parliament. The same procedure is followed for receipts and expenses resulting from International Treaties signed before a Budget allocation is made

**Article 74.**

Acting on the advice of the Crown Council the Sovereign may dissolve the Parliament with elections to be held 3 months from the day of dissolution.

## **Part VIII**

### **The Crown Council**

#### **Article 75.**

The Crown Council consists of three members of the Royal Family, appointed by the Sovereign on succeeding to the throne for a three term. At the end of each term a new Council is to be appointed, existing members are eligible for reappointment.

The holders of the Offices of Minister of State or Minister of the Government are excluded from being a member of the Crown Council.

#### **Article 76.**

The Crown Council must meet at least twice a year on the summons of the Sovereign.

The Sovereign can summon the Crown Council at anytime He considers it necessary, either of His own initiative, or upon the suggestion of the President of the Crown Council.

#### **Article 77.**

The Crown Council may advise the Sovereign and may be consulted by the Sovereign on questions regarding the interests of the State.

The Crown Council must be consulted on the following objects:

- a) International Treaties,
- b) dissolution of the Parliament,
- c) demands for naturalization or reinstatement of citizenship,
- d) pardon and amnesty and
- e) matters concerning the Royal Family.

The Crown Council has responsibility for the succession to the Crown subject to Article 10.

## **Part IX**

### **Local Government**

#### **Article 78.**

The Territory of the Principality of Hutt River may comprise several Local Government Municipalities.

#### **Article 79.**

The City area is administered by a Municipality composed of a Mayor and assistants, appointed by the Municipal Council from amongst its Members.

Citizens of the Principality of Hutt River of either sex are eligible for election to a Municipality, if they are:

- a) over twenty one years of age;
- b) living in the municipality, and
- c) are not deprived of eligibility for election for any causes provided for by the Law.

**Article 80.**

A Municipal Council has at least five Members elected for four year terms by eligible voters resident in the municipality

Subject to Article 79 Parliamentarians are eligible for membership of a Municipality.

**Article 81.**

Municipal Councils meet every three months in ordinary session and each session cannot exceed a fortnight.

**Article 82.**

Extraordinary sessions may be held for definite objectives, at the request of or with the Minister of State's authorization.

**Article 83.**

Municipal Councils can be dissolved by Royal Decree after consultation with the Parliament.

**Article 84.**

Where a Municipal Council is dissolved by Royal Decree or all the members of a Municipal Council are dismissed, the Sovereign will appoint an administrator to that Municipality until a new Council

is elected. Such elections must take place within 3 months of dissolution or dismissal.

**Article 85.**

Municipal Councils are chaired by a Mayor or, by in his absence, the Assistant Mayor. In the absence of both by the most senior Councillor.

**Article 86.**

Municipal Councils meet in public on Municipal affairs. Its decisions are enforceable a fortnight after being communicated to the Minister of State, except when opposed by Royal Decree.

**Article 87.**

The Municipal Budget is provided by the product of Municipal Services and by the budgetary allocation registered in the Annual Budget.

**Part X  
Justice**

**Article 88.**

Judicial power is vested in the Sovereign who, by this present Constitution, delegates this power to the Courts of the Principality of Hutt River, who act in the name of the Sovereign.



There shall be a Supreme Court of the Principality of Hutt River called the High Court, and two lesser Courts called the Court of Appeal and the Civil Court and any other court as the Sovereign shall establish.

Judicial Independence is guaranteed.

The Jurisdiction, organization and functioning of the Courts and the Status of Judges is determined by Legislation.

**Article 89.**

The High Court consists of five Full Members and of two Deputy Members, namely:

Two Full Members and Two Deputy Member nominated by the Parliament and not members of the Parliament;

One Full Member nominated by the Crown Council and not a member of the Crown Council;

One Full Member nominated by the Court of Appeal and not a member of the Court of Appeal;

One Full Member nominated by the highest Civil Court and not a member of the Civil Court.

These nominations are made by each group indicated above at the rate of two for a seat. Members of High Court are appointed by the Sovereign.

If the Sovereign does not approve these nominations, He may require new nominations.

The President of the High Court is appointed by the Sovereign from amongst its members.

**Article 90.**

The High Court shall have jurisdiction, with such exceptions and subject to such regulations as the Parliament prescribes, to hear and determine appeals from all judgments, decrees, orders, and sentences: and the judgment of the High Court in all such cases shall be final and conclusive

**Article 91.**

The High Court deliberates either as a Full court of all Members, or as an Administrative Court of three Members.

It sits and deliberates as a Full Court:

- a) On constitutional subjects;
- b) on conflicts of competence;
- c) In administrative matters on dismissal ordered by the President of the High Court or decided with the Administrative Court.

It sits and deliberates in as an Administrative Court in all other cases.

**Article 92.**

*Article deleted 1st January 2011 under the terms of Articles 93 and 94 for constitutional amendment*

## **Part XI**

### **Revision of the Constitution**

#### **Article 93.**

The Constitution cannot be suspended either in whole or in part

#### **Article 94.**

The total or partial revision of the present constitution requires the agreement of both the Sovereign and the Parliament.

#### **Article 95.**

In case of an initiative of the Parliament, the proposition must be approved by a vote with a majority of three quarters of the roll of Members of the Council.

## **Part XII**

### **Final and transitory capacities**

#### **Article 96.**

All previous Constitutions are abrogated and this Constitution comes into effect at once.

#### **Article 97.**

Elections of the Parliament and Municipal Councils are to take place as soon as conditions imposed by the adoption of this new Constitution are fulfilled and at the latest with no more than a three years delay.

In the absence of the Parliament, Legislative and Executive power are exercised by the Sovereign alone.

#### **Article 98.**

In absence of elected Members of the Parliament during this transitory period, Members of institutions named on the nomination of the Parliament are temporarily appointed by the Sovereign until the Parliament is in a position to present Candidates

**Article 99.**

The Laws and Regulations of Western Australia taken under the principle of reception by the Principality of Hutt River upon Independence Day with Laws and Royal Decrees of the Principality, subrogating them, and at present currently, remain applicable as far as they are not incompatible with this Constitution.

They must, if need be, be put in harmony, as soon as possible, with this Constitution.

This Constitution is a revision of the original dated 1<sup>st</sup> October 2005 and comes into effect on 1<sup>st</sup> January 2011.

Promulgated under the hand of  
H.R.H. Prince Leonard  
*Sovereign.*

In NAIN, Principality of Hutt River

*Dated this                      day of                      2010.*

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**HRH Prince Leonard**  
*Sovereign*  
**Principality of Hutt River**

**Article 99.**

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In NAIN, Principality of Hutt River

*Dated this 17<sup>th</sup> day of December 2010.*



HRH Prince Leonard  
*Sovereign*  
Principality of Hutt River

**Scan insert to show signed by HRH Prince Leonard**

**Published and Printed by:**

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