

# **CONSTITUTION OF PRINCIPALITY OF HUTT RIVER**

## **Preamble**

Considering that the Institutions of the Principality must be established, as far as to answer as well to necessities in our international relations as for a good administration of the country and to satisfy new necessities aroused by development projects of the Principality,

We resolved to endow the State with a new Constitution, which, due to 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.

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

### **Article 1.**

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

It exercises the sovereign power within the frame of the general principles of International Law by refraining from damaging seriously the fundamental interests of the Commonwealth of Australia in economics, safety and defence domains.

The territory of the Principality is inalienable.

### **Article 2.**

The principle of the Government is hereditary and constitutional monarchy.  
The Principality is a State of Right attached to the respect for Liberties and Fundamental Rights.

### **Article 3.**

The Executive power comes within the competence of the High Authority of the Prince

The Sovereign Prince is the leader of armies. He chairs the Councils and Superior Committees of National Defence.

The person of the Prince is inviolable.

### **Article 4.**

The Legislative power is exercised by the Prince and the Royal Council.

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## **Article 5.**

The Judiciary power is exercised by High Court and Courts.

## **Article 6.**

The separation of administrative, legislative and judicial functions is assured.

## **Article 7.**

The Princely Pavilion consists of arms of Princess Shirley and Prince Leonard

The national flag is on a blue background. In the centre of the flag, a white circle ornate in yellow of an ox-head in blue background to remind the rural origin of the Principality raised of an eagle for Freedom, and all including the balance for Justice, and above the ox-head, a thistle symbolizing Independence.

The Seal of the Principality assumes the motive from the centre of the flag.

Use of aforementioned pavilions and Seal is at all times governed by the capacities of a Royal Decree.

## **Article 8.**

English language is the official language of the State as well as French and Esperanto in second and third language.

## **Article 9.**

The State insures absolute Freedom of conscience for citizens. The Spiritual powers, whatever they are, are separated from the State.

## **Title II The Prince and devolvement of the Crown**

## **Article 10.**

Succession to the Throne, opened as the result of death or abdication, takes place in the direct and justifiable descent of the ruling Prince, in order of primogeniture, with male priority in the same degree of relationship, by approval of Council of the Crown.

For lack of direct and justifiable descent, succession takes place to the benefit of brothers and sisters of the ruling Prince and their direct and justifiable descendants, in order of primogeniture with male priority in the same degree of relationship.

If the heir who would have been called to rise on the Throne by virtue of the previous paragraphs died or gave up before opening of the succession, devolvement takes place

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to the benefit of his own direct and justifiable descendants, according to the order of primogeniture with male priority in the same degree of relationship.

If application of above paragraphs does not allow to provide for Throne's vacancy, succession operates to the benefit of a collateral appointed by the Council of the Crown to comply with recommendation of the Council of Regency. The Princely powers are temporarily exercised by the Council of Regency.

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

The modalities of application of the present Article are fixed, as of need, by the statuses of the Sovereign Family, taken by Royal Decree.

## **Article 11.**

For the exercise of Sovereign Powers, age of the majority is fixed to eighteen years of age.

Organization and conditions of exercise of the Regency during the minority of the Prince or in case of impossibility for him to exercise its functions are fixed by the statuses of the Sovereign Family.

## **Article 12.**

The Prince exercises his Sovereign Authority in accordance with the capacities of the Constitution and Laws.

## **Article 13.**

The Prince represents the Principality in his relations with the Foreign powers.

## **Article 14.**

After consultation of the Council of the Crown, the Prince signs and ratifies the Treaties and International Agreements. He communicates them to the Royal Council, through the Minister of State, before their ratification.

However, can be ratified only by virtue of a law:

- a) The Treaties and the International Agreements affecting the constitutional organization;
- b) The Treaties and the International Agreements ratification which entails the modification of existing legal measures;
- c) The Treaties and the International Agreements whose execution have the effect of creating a budgetary load relative to the expenses and whose nature or destination are not previous by budget 's Law.

The foreign policy of the Principality is the object of an annual report prepared by the Government and communicated for the Royal Council.

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## **Article 15.**

After consultation with the Council of the Crown, the Prince exercises the right of reprieve and amnesty, as well as the right of naturalization and reinstatement in the nationality.

## **Article 16.**

The Prince confers orders, titles and other distinctions.

He appoints civil and military posts of State following the present Constitution.

### **Title III Liberties and Fundamental Rights**

## **Article 17.**

All Hutt River's Citizens are equal in the eyes of the Law. There are no privileges between them except for distinctions and titles conferred by the Prince.

## **Article 18.**

Law decide acquisition modes of nationality and domiciliation rules. Law fixes conditions in which nationality acquired by naturalization can be removed.

## **Article 19.**

Individual Freedom and Security are guaranteed. Nobody can be pursued only in cases provided by Law in front of Judges designated and in legal form prescribed by Law.

Except the case of blatant offence, nobody can be arrested only by virtue of the Ordinance motivated by the Judge, which must be notified at the moment of arrest or twenty-four hours at the latest. Any detention must be preceded by an interrogation.

## **Article 20.**

No punishment can be established nor applied only by virtue of the Law.

Penal Laws have to insure respect for personality and for human dignity. Nobody can be subjected to cruel, inhuman or degrading treatments.

Capital punishment is banned. Penal Laws cannot have any retroactive effect.

## **Article 21.**

The place of residence is inviolable. No search can take place only in cases provided for by the Law and in prescribed conditions.

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## **Article 22.**

Any person has the right to the respect for its private and family life and to the secret of its correspondence.

## **Article 23.**

The Freedom of cults, their exercise, as well as Freedom of meeting and to show its opinions in any subjects, are guaranteed in respect for Laws and Public Order.

Nobody can be forced to contribute to acts and to cult ceremonies nor to observe their days off.

## **Article 24.**

Property is inviolable. Nobody can be deprived of his property except for public utility legally notified and for a just compensation, established and paid into Law conditions.

## **Article 25.**

Working Freedom is guaranteed. Its exercise is regulated by the Law.

Priority is insured to the Hutt River's Citizens for accession in public and private jobs in the Law conditions or the International Agreements.

## **Article 26.**

All Hutt River's Citizens must ensure themselves anywhere, freely, individually or in association their social welfare and old age pension.

## **Article 27.**

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

## **Article 28.**

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

## **Article 29.**

Hutt River's Citizen have the right to meet themselves peacefully, without weapons, by conforming to laws which can decide exercise of this right without subjecting it to preliminary authorization. This Freedom does not extend in open air meetings, which remain subjected to Police Laws.

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## **Article 30.**

The Freedom of association is guaranteed within the framework of the Laws which regulate them.

## **Article 31.**

Each Citizen can petition public authorities.

## **Article 32.**

In the Principality, the Foreigner enjoys all public and deprived Rights which are not formally reserved to the Nationals.

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

## **Article 33.**

Underground of the Principality's territory is State ownership and surface is properties of the Crown except surface allocated by the law for public domain of the State.

All Surfaces can be the object only to emphyteutic leases or concessions and this according to Laws, Decrees, Regulations, Standards and Cadastre of the Principality.

## **Article 34.**

Crown's possessions allocated to exercise Sovereign power are inalienable and imprescriptible.

Their consistency and their regulation are determined by the Sovereign Family statuses.

## **Article 35.**

Consistency and regulation of the Public Domain are determined by the Law. The Public Domain is inalienable and imprescriptible.

The deregistration from a Public Domain possession can only be achieved by application of a law which will enable the deregistered possession to be absorbed into the State Private Domain

## **Article 36.**

The possessions and the property from the deregistered Domain of the State are alienable only according to the Law.

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Any transfer of a fraction of company's issued capital who's State possesses at least fifty percent and which has the effect of transferring the majority of this capital for one or several physical or moral persons of Private Right is authorized by a Law.

Unclaimed possessions and those without ownership will be redeemed by the Sate private domain.

## **Article 37.**

National Budget to include all receipts and all Public Expenditures of the Principality.

## **Article 38.**

National Budget to represent the Economic and Financial Policy of the Principality.

## **Article 39.**

Budget is the object of a Bill. It is voted and is promulgated in framework of Law.

## **Article 40.**

Expenses of Sovereign House and those of Princely Palace are fixed by the Law of Budget and taken by priority from the general receipts of the Budget.

## **Article 41.**

Excess of receipts over expenses, noticed after Budget's execution and closing accounts, is transferred to a Constitutional Reserve Fund.

Excess of expenses over receipts is covered by a debit provided from same account and decided by a Law.

## **Article 42.**

Control of financial management is provided by a Superior Committee of Accounts.

## **Title V Government**

## **Article 43.**

Government is exercised, under the High Authority of the Prince, by a Minister of State, assisted by a Council of Government consisted of as many Ministers, Vice Ministers and of State Secretaries considered as necessary to lead the Country.

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## **Article 44.**

Minister of State represents the Prince. He exercises the management of executive services. He has the Police Powers. He chairs, with dominating vote, the Council of Government.

## **Article 45.**

Royal Decrees are deliberated in Council of Government. They are presented to the Prince under the signature of the Minister of State; they mention considerations to which they are related. They are signed by the Prince; the signature of the Prince makes them enforceable.

## **Article 46.**

Are exempted from deliberation of Council of Government and presentation by the Minister of State, the Royal Decrees:

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

## **Article 47.**

The Royal Decrees are deliberated in Council of Government and signed by the Minister of State; they mention deliberations to which they are related. They are passed on to the Prince in the twenty-four hours of their signature and become enforceable only after the signature of the Prince.

However the Prince let it be known to the Minister of State that he wishes to delegate his signature for some Decrees or some categories of Decrees. These take then enforceable force as soon as they are signed by the Minister of State

## **Article 48.**

Except opposite legislative measures, the distribution of matters between Royal Law and Royal Decrees is operated by a Royal Decree.

## **Article 49.**

Considerations of the Council of Government are objects of reports recorded on a special register and signed, following the vote, by present Members.

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Minutes mentions the vote of each Member.

It is transmitted during a five day delay, after meeting, to the Prince, who can make opposition.

## **Article 50.**

The Minister of State and Full Ministers of the Government are responsible to the Prince of the Administration of the Principality.

## **Article 51.**

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

## **Title VI The Council of State**

### **Article 52.**

The Council of State is charged to give its opinion on the projects of Laws and Royal Decrees subjected to its examination by the Prince. It can also be consulted on all other projects.

Organization and functioning are fixed by Royal Decree.

## **Title VII The Royal Council**

### **Article 53.**

The Royal Council consist of twelve Members, elected for five years in direct universal suffrage and in list system in conditions provided for by the Law.

Hutt River Citizens of either sex are voters, in conditions fixed by the Law, who:

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

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## **Article 54.**

Hutt River Citizen's voters of either sex, are eligible, if :

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

The law determines the functions which are incompatible with the elected member's mandate to the Royal Council

## **Article 55.**

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

## **Article 56.**

The Members of Royal Council do not incur any civil or penal liability in cause of opinions or votes emitted by them in the exercise of their mandate.

They cannot, without Royal Council authorization, be pursued or arrested during a session in cause of a criminal or penalty malpractice, except in case of blatant offence.

## **Article 57.**

The Royal Council recently elected meets at the latest the thirtieth day after elections to elect its Committee. The oldest Royal Councillor chairs this session.

Under reserve of Article 74, the powers of previous Royal Council expires upon the day when meeting the new Council.

## **Article 58.**

By right, the Royal Council meets each year in two ordinary sessions.

First session opens on 21<sup>st</sup> day of April.

Second session opens on 21<sup>st</sup> day of August

Duration of every session can not exceed three months.  
Closing is pronounced by the President.

## **Article 59.**

The Royal Council meets in extraordinary session, either upon summons of the Prince, or, at the request of at least two thirds of the Members, upon convocation from his President.

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## **Article 60.**

Committee of the Royal Council includes a President and a Vice-President elected each year by the Assembly among Members.

Mayor's offices are incompatible with those of President and Vice-President of the Royal Council.

## **Article 61.**

Under reserve of constitutional capacities and, if needs be, legislative, organization and functioning of the Royal Council are determined by the Internal Regulation fixed by the Council.

This Regulation must, before application, be subjected to High Court, which pronounces on its correspondence to constitutional capacities and, if needs be, legislative.

## **Article 62.**

The Royal Council close its agenda. This one is communicated to the Minister of State at least three days in advance. At the request of the Government, a session, one or two at least, must be dedicated to discussion of bills submitted by the Prince.

However the agenda of extraordinary sessions summoned by the Prince is fixed in convocation.

## **Article 63.**

Royal Council's sessions are public. However the Council 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 Prince communicates with the Royal Council directly or by messages which are read by the Minister of State.

## **Article 65.**

The Minister of State and the Members of the Government have their entrances and their seats reserved for the Royal Council's sessions. They have to be heard when they ask for it.

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## **Article 66.**

Law implies agreement of Wills of the Prince and the Royal Council.  
The initiative of Laws belongs to the Prince. Consideration and vote of Laws belong to the Royal Council.

Penalty of Laws belongs to the Prince, who enforces them by promulgation.

## **Article 67.**

The Prince signs bills. These projects are submitted to him by the Council of Government under signature of the Minister of State. After Prince's approval, the Minister of State deposits them upon the Royal Council's Committee.

The Royal Council has the power to make Bills proposals.  
In the delay of six months from the reception date of the Bill proposal by the Minister of State, this one makes it be known to the Royal Council:

- a) Either his decision to transform the Bill proposal, possibly amended, in a Bill which follows procedure foreseen in the 1<sup>st</sup> paragraph. In this case, project is deposited for a delay of one year from expiration of the deadline of six months;
- b) Either his decision to interrupt legislative procedure. This decision is clarified by a statement registered by right for the agenda of a public meeting of the ordinary session foreseen during this delay. This statement can be followed by a debate.

In hypothesis when, in expiration of the deadline of six months, the Government did not make known continuation reserved for the Bill's proposal, this one is, according to the procedure foreseen in the 1<sup>st</sup> paragraph, transformed by right into Bill.

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

The Royal Council has the right of amendment. As such, he can propose additions, replacements or abolitions in the Bill.

Amendments are accepted only when having a direct link with other capacities of the Bill to which they are relate.

Vote intervenes on the possibly amended, Bill's proposal except Government's power to remove the Bill before the final vote.

However, the capacities of the previous paragraph are not applicable either to the Bills of ratification's authorization, or to the Budget's Bills.

At the beginning of each ordinary session, the Royal Council make it be known, during a public meeting, of the status of all Bills deposited by the Government, whatever are the dates of deposit.

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## **Article 68.**

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

## **Article 69.**

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

## **Article 70.**

The Royal Council votes the Budget.  
No direct or indirect contribution can be established only by a Law.

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

## **Article 71.**

The project of Budget is presented to the Royal Council before September 30<sup>th</sup>. The Budget Law is voted during the August session of the Royal Council.

## **Article 72.**

The Budget is voted chapter after chapter. Transfers from a chapter to another one are forbidden, except in cases authorized by the Law.  
The Budget includes notably, in expense, the sums which are at the disposal of the Municipal Council for the incoming year, according to the Article 87.

## **Article 73.**

In case if the vote of credits asked for by Government in accordance to the Article 71 would not have intervened before December 31<sup>st</sup>, credits corresponding to voted services can be opened by Royal Decree, after hearing the Council of State.

It's the same for receipts and expenses resulting from International Treaties.

## **Article 74.**

After having heard the opinion of the Council of the Crown, the Prince can pronounce dissolution of the Royal Council.  
In this case, elections are to be held after 3 months.

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## **Title VIII The Council of the Crown**

### **Article 75.**

The Council of the Crown includes seven Members of Hutt River's nationality, appointed for duration of three years:

- a) The President and three other Members are freely appointed by the Prince and are representative Royal family.
- b) Three Members are appointed on production of the Royal Council and outside itself.

Offices of Minister of State and Minister of Government are incompatible with those of President or Member of Council of the Crown.

### **Article 76.**

The Council of the Crown meets at least twice a year on the summons of the Prince.

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

### **Article 77.**

The Council of the Crown may be consulted by the Prince on questions regarding the superior interests of the State. He can present suggestions to the Prince.

It is necessarily consulted on the following objects: International Treaties, dissolution of the Royal Council, demands of naturalization and reinstatement, grace and amnesty.

## **Title IX The Municipality**

### **Article 78.**

The Territory of the Principality may comprise several Municipalities.

### **Article 79.**

City area is administered by a Municipality composed of a Mayor and Assistants, appointed by the Municipal Council among its Members.

Are voters in conditions fixed by the Law all resident, over eighteen years old, of either sex, with the exception of those who are deprived of the right to vote for any causes provided for by the Law.

National Hutt River Citizens voters of either sex, are eligible, if :

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

## **Article 80.**

Municipal Council includes, at least, five Members, elected for four years in direct universal suffrage and in list system.

There is no incompatibility between Municipal Councillor's mandate and Royal Councillor's mandate.

## **Article 81.**

Municipal Council meets every three months in ordinary session. Duration of every session cannot exceed a fortnight.

## **Article 82.**

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

## **Article 83.**

The Municipal Council can be dissolved by motivated Royal Decree, after opinion of the Council of State.

## **Article 84.**

In dissolution case or dismissal of all Municipal Council's Members, a special delegation is charged, by Royal Decree, to assume the charge of offices until election of a new Council. In this case, elections are to be held after 3 months.

## **Article 85.**

The Municipal Council is chaired by the Mayor or, by default, by the Assistant or the Councillor who replaces him, according to the order of register.

## **Article 86.**

Municipal Council deliberates in public meeting on the Municipality affairs. Its deliberations are enforceable fortnights after communication to the Minister of State, except opposition motivated in form over Royal Decree.

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## **Article 87.**

Municipal Budget is fed with the product of Municipal Services and by the budgetary allocation registered in the primitive Budget's Law of the year.

## **Title X Justice**

## **Article 88.**

Judiciary power belongs to the Prince who, by this present Constitution, delegates full exercise to Courts. Courts deliver Justice in name of the Prince.

Independence of Judges is guaranteed.

Courts Organization, competence and functioning, as well as Judges Status are fixed by the Law.

## **Article 89.**

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

- a) One Full Member and one Deputy Member presented by the Royal Council outside Royal Council;
- b) One Full Member and one Deputy Member presented by the Council of State outside Council of State;
- c) One Full Member presented by the Council of the Crown outside Council of the Crown;
- d) One Full Member presented by the Court of Appeal outside Court of Appeal;
- e) One Full Member presented by the Civil Court of first authority outside Civil Court.

These presentations are made by each Corps above indicated at the rate of two for a seat. Members of High Court are appointed by the Prince.

If the Prince does not approve these propositions, He may require new proposals.

The President of High Court is appointed by the Prince.

## **Article 90.**

A. In constitutional matters, High Court rule supremely:

- a) On the correspondence of the Internal Regulation of the Royal Council to constitutional capacities and, if need be, legislative, in conditions foreseen in the article 61;
- b) On petitions for nullity, in appreciation of validity and in reparation having for object an infringement on Liberties and Rights dedicated by Title III of this Constitution, and which are not seen in paragraph B of the present article.

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B. In administrative matters, High Court rule supremely:

- a) On petitions for nullity for abuses of power formed against decisions of different Administrative Authorities and Royal Decrees taken for the execution of laws, as well as for reparations allocations which result from it;
- b) On appeals in Cassation formed against Decisions of Administrative Jurisdictions ruling in the last resort;
- c) On appeals in interpretation and appeals in appreciation of validity of the decisions of different Administrative Authorities and Royal decrees taken for the execution of laws.

C. High Court rule on conflicts of jurisdiction.

## **Article 91.**

High Court deliberates, either in plenary meeting of five Members, or in administrative section of three Members.

It sits and deliberates in plenary meeting:

- a) In constitutional subject;
- b) As judge over conflicts of competence;
- c) In administrative matter on dismissal ordered by the President of High Court or decided with the Administrative Section.

It sits and deliberates in Administrative Section in all other cases.

## **Article 92.**

A Royal decree fixes organization and functioning of High Court notably over conditions of capacity required with Members, incompatibilities concerning them as well as their status, the movement of the Members of the Administrative Section, the procedure to be followed in front of High Court, the effects of appeals and decisions, procedure and effects of conflicts of competence, as well as necessary transitory measures.

## **Title XI Revision of the Constitution**

## **Article 93.**

The Constitution can not be an object of any measure of suspension.

## **Article 94.**

The total or partial revision of the present Constitution is subordinate to the common agreement of the Prince and the Royal Council.

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## **Article 95.**

In case of initiative of the Royal Council, proposition must be taken with majority of three quarters of roll Members of the Council.

## **Title XII Final and transitory capacities**

## **Article 96.**

Previous constitutional capacities are abrogated.

Present Constitution comes into effect at once.

## **Article 97.**

Elections of the Royal Council and Municipal Councils will take place as soon as conditions imposed by realisation of this new Constitution are fulfilled and at the latest in a three years delay.

In absence of Royal Council, Legislative power and Executive power are exercised by the Prince, alone.

## **Article 98.**

In absence of elected Members of the Royal Council during this transitory period, Members of institutions named on proposition of the Royal Council are temporarily appointed by the Prince until Royal Council being in a position to present Candidates

## **Article 99.**

Laws and Regulations of Western Australia taken in legislative and rules receipt by the Principality upon the Independence Day with Laws and Royal Decrees of the Principality, subrogating them, and at present currently, remaining applicable as far as they are not incompatible with the present Constitution.

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

In NAIN, Principality of Hutt River Province  
2005, October, 1st

Promulgated by H.R.H. Prince Leonard  
Sovereign.