

THE DESK OF



SENATOR RODNEY N CULLETON
Federal Senator for Western Australia

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Notice to;
Principal, Agent(s), Heirs,
Successors, Nominees; and
Assigns.

Lawful Excuse and Right of Entry of our Parliament.

Mr Col Blanch
Commissioner of Police
2 Adelaide Terrace,
Perth
WA 6004
Email: office.of.commissioner@police.wa.gov.au

August 8 2023

Notice of Constitutional Departure Crown in Right of the United Kingdom (WA)

LETTERS PATENT RELATING TO THE OFFICE OF GOVERNOR OF THE STATE OF WESTERN AUSTRALIA.

Dated 14th February, 1986.

ELIZABETH THE SECOND, by the Grace of God of the United Kingdom of Great Britain and Northern Ireland and of Our other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith.

&

Sections 2(2) & (3) Constitution Act 1889

Dear Police Commissioner,

This letter concerns the law that determines the authority by which the performance of law, and the conduct of justice, relies upon for execution in Western Australia given the State exists by performance and right as a State within the Commonwealth of Australia.

This matter arises in light of new proposed legislation (*Aboriginal Cultural Heritage Act 2021 and proposed amendments foreshadowed Aboriginal Heritage Act 1972*) “The Acts” claiming *inter alia*, to affect our private land rights through the Legislature of Parliament of Western Australia.

Official Notice was served and received by Dr Tony Buti MLA, doing business as **MINISTER FOR ABORIGINAL AFFAIRS** on the 30th June 2023 prior to its alleged implementation, whereby Mr Buti was held to the Law(s) of Western Australia and the Commonwealth. On the 19th July 2023, Mr Buti responded to the Official Notice in writing on behalf of the State Government claiming, amongst other things, the following;

underlined for specificity

“The State Government considers that the Act, as passed by the Western Australian Parliament, is a valid and binding law.”

As you may be aware, the foundation being the Torrens Title System is enshrined in the *Transfer of Land Act 1893*, giving registered title protection to any real property through Fee Simple and Indefeasibility under the Crown of the United Kingdom.

The purpose of the assembly on the 15th August 2023, by the People of Western Australia, is to invoke and action the rights of indefeasibility against the Legislature of the Western Australian Parliament, (being a separation of power(s)) attempting to grant rights to a third-party being identified as a corporate sole(s).

It is incumbent of me as a Former Federal Senator For Western Australia, this matter arises in light of the removal of the Crown for application in Western Australia, otherwise required of by sections 2(2)&(3) *Constitution Act 1889 (WA)*, placed into force and effect in 1986 by the application of the *Australia Act 1986 (UK)*, an event that makes the application of the said constitutional sections to the fount of law inoperable.

underlined for specificity

CONSTITUTION ACT 1889 - SECT 2

2. Legislature to be constituted in Western Australia

(1)

(2) The Parliament of Western Australia consists of the Queen and the Legislative Council and the Legislative Assembly.

(3) Every Bill, after its passage through the Legislative Council and the Legislative Assembly, shall, subject to section 73, be presented to the Governor for assent by or in the name of the Queen and shall be of no effect unless it has been duly assented to by or in the name of the Queen.

The prohibition found at section 2(3), above, applies universally with regard to bills of the Parliament of Western Australia for the Royal Assent by the Crown of the United Kingdom.

The attempted and pretended removal of the Crown in contravention *s5 Australia Act 1986 (UK)* as stated below;

5 Commonwealth Constitution, Constitution Act and Statute of Westminster not affected.

Sections 2 and 3(2) above—

(a) are subject to the Commonwealth of Australia Constitution Act and to the Constitution of the Commonwealth;

and

(b) do not operate so as to give any force or effect to a provision of an Act of the Parliament of a State that would repeal, amend or be repugnant to this Act, the Commonwealth of Australia Constitution Act, the Constitution of the Commonwealth or the Statute of Westminster 1931 as amended and in force from time to time.

which is otherwise required of to hold Parliament and hold office for Governor pursuant to Letters Patent 1986, which may offend s44 *Criminal Code 1913*.

underlined for specificity

CHAPTER VII.-SEDITION.

44. An intention to effect any of the following purposes, that is to say:

(a) To bring the Sovereign into hatred or contempt;

(b) To excite disaffection against the Sovereign, or the Government or Constitution of the United Kingdom, or of the Commonwealth of Australia, or of Western Australia as by law established, or against either House of Parliament of the United Kingdom, of the Commonwealth of Australia, or of Western Australia, or against the administration of justice;

(c) To excite Her Majesty's subjects to attempt to procure the alteration of any matter in the State as by law established otherwise than by lawful means;

(d) To raise discontent-or disaffection amongst Her Majesty's subjects;

(e) To promote feelings of and enmity between different classes of Her Majesty's subjects;

is a seditious intention, unless it is justified by the provisions of the next following section.

It is well known by any Federal Senator (and sitting member) in Public Office that any enterprise that may carry out an act of contempt, pursuant to section 44 is taken at law to be a criminal organisation for the enterprise of carrying out a seditious intention, see s 46, *Criminal Code 1913*:

46. A seditious enterprise is an enterprise which is undertaken in order to the carrying out of a seditious intention.

Seditious words are words expressive of a seditious intention.

The term "seditious writing" includes anything intended to be read, and any sign or visible representation, which is expressive of a seditious intention.

The *Western Australia Constitution Act 1889* sets out the purpose, powers and makeup of the Western Australian Parliament. It was based on Imperial Legislation from England and was created to ensure better Governance of the colony of Western Australia, defining the legislative process in WA.

Albeit that said, as declared at Federal Parliament in 2016 through my Office, the law holds the application of every Act of the current Parliament, made after the removal of the Crown in 1986, to appear to be a criminal act and prohibited for its force and effect by constitutional mandate sighted above at s2(3) *Constitution Act 1889*.

Every person in Western Australia is required to adhere to that law and hold regard of these unlawful Acts to be without application, force and effect to avoid a criminal act. see *ss173 and 177 Criminal Code 1913* (“Any person employed in the Public Service...., Omits or refuses to act.. when required to do so...”)

It is a matter of public record, by the examination of the Gazette of Western Australia, that the commission of Governors in Western Australia, post 1986 are made under the pretended office, Queen of Australia, an invention of the Whitlam government in 1973, a pretended office found to be made without Commonwealth law and made in contravention to the second clause, Commonwealth of *Commonwealth of Australia Constitution Act 1900 (UK)*.

It is the intention of farmers in Western Australia to continue the protest against the application of the ***ABORIGINAL CULTURAL HERITAGE ACT 2021*** including, but not limited to, all Acts (or implementation to an Act) post 1986 that appear to extinguish “the Rights” of the People of Western Australia, and property rights of farmers to the unfettered operation of farm land.

The operation in order for an Act to become law within the State of Western Australian must receive Royal Assent as declared s2(a) of the said “revoked Act”;

underlined for specificity

ABORIGINAL CULTURAL HERITAGE ACT 2021 - SECT 2

2. Commencement

This Act comes into operation as follows —

- (a) Part 1 — on the day on which this Act receives the Royal Assent (*assent day*);

The reason for the revocation of this “Act” is due to the 30 June Notice of Prohibition served on Tony Buti. Section 2 of the said Act, stated above, could not fulfil the requirement of Royal assent pursuant to section 2(3), *Constitution Act 1889* due to the alteration of the *Royal Styles and Titles Act 1947*, (*Royal Styles and Titles Act Amendment Act 1953*) on the 7th December 1973.

The alteration through the *Royal Styles and Titles Act Amendment Act 1953* invoked a pretended title from an Australia Act, infringing the Letters Patent of Western Australia which purports to operate in the absence of a Royal Warrant to make such law. See alteration below;

underlined for specificity

Royal Style and Titles Act Amendment Act 1953

Section 5 of that Act reads as follows:

The Schedule referred to is a Schedule to the Royal Style and Titles Act Amendment Act 1953 and reads as follows:

The Royal Style and Titles

Elizabeth the Second, by the Grace of God of the United Kingdom, Australia and Her other Realms and Territories Queen, Head of the Commonwealth, Defender of The Faith.

In this Act, “the United Kingdom” means the United Kingdom of Great Britain and Northern Ireland.

Altered to.

Elizabeth the Second, by the Grace of God Queen of Australia and Her other Realms and Territories, Head of the Commonwealth.

The *Royal Styles and Titles Act 1947* requires the Royal Proclamation when there is a change of title for want of creation in order for any bill to become binding at law on the people of Western Australia. Section 3(2) *Royal Styles and Titles Act 1947* states that there must be an alteration at Federal level (as occurred in 1947, 1953 and 1973..) which has not happened to date due to the absence of a Commonwealth Act to empower a change to the style of the title. Furthermore, the King as a statutory entity in Australia is unable to adopt a “Title Act of 2023”, under a divisible Crown removed from the Commonwealth.

This right of protest is sanctioned by the operation of section 46 *Criminal Code 1913*, and may reflect the duty to prevent the application of bills passed without the proper Royal assent as stated above.

Unless the issues above can be demonstrated to be mistaken, misunderstood, or otherwise in error, it may be taken that the Police in Western Australia is subject to the above and must enforce the said constitutional prohibition in the spirit of the Crown guarantee of our Constitution, that is under the Crown of the United Kingdom.

This notice requires of you to implement an investigation into the matters raised here within.

It is my right as a member of the Commonwealth of Australia and Western Australia, that I may seek the protection of Her Majesty promised at Coronation of 1953, and section 2(3) *Constitution Act 1889*, for which I rightly exercise with my fellow West Australians.

Note: with reference to the law above how is it not that any person avoids committing a crime unless it is shown that the law provides waiver. I ask in the interest of the people of Western Australia that a response shall be held for the record.

Regards,



Rodney Norman Culleton

Former Federal Senator for Western Australia

Sponsor: Former Federal Senator Len Harris

Second Sponsor:

