



Rod Culleton and Ors
Great Australian Party
P.O Box 8242, South Perth,
Western Australia 6151

Via email: rod.culleton@greataustralianparty.com.au

February 1, 2021

Kim Beazley
DBA Governor of Western Australia
Government House,
St Georges Terrace,
Perth, Western Australia, 6000
Via email: mail@govhouse.wa.gov.au

Dear Mr Beazley,

Notice of Quo Warranto Writ of election for Western Australia

The Great Australia Party and its founder, Rod Culleton, Commonwealth Public Officer (CPO), and a former Federal Senator for Western Australia, being a subject (sworn) of the Queen¹ and an Australian national pursuant to s 34 *Australian Commonwealth Constitution Act 1900* (UK) living in the State of Western Australia, has raised concern of fidelity in the upcoming election in Western Australia, 13th March 2021.

²This inquiry concerns the authority in which the election writ may be issued, taken to have previously been made under the Queen of Australia³, by review of the Gazette for your appointment as Governor for Western Australia, as published May 2, 2018 in the State Gazette, for assumption of the office at the third clause:

3. Assumption of office as Governor

¹ Ss 16, 34 and 42 *Commonwealth Constitution Act 1900* (UK); s 51 (xxxvi) *Constitution*; s163 *Commonwealth Electoral Act 1918*; s76(A) *Electoral Act 1903* (WA); Statute 1 Will & Mary C6 (Coronation Oath) (1688);

² <https://www.foundingdocs.gov.au/item-sdid-99.html> ; *Governor's Establishment Act 1992* – Sect 3 Interpretation -In this Act, unless the contrary intention appears — **the Director-General** means the person for the time being holding or acting in the office of chief executive officer of the department of the Public Service principally assisting the Minister administering the *Constitution Act 1889* in that administration

³ High Court of Justice Administrative Court, London UK matter No CO/588/2020 Culleton v Quinlan and Ors (Defendants Peter Damien Quinlan DBS Chief Justice SCWA, Kim Beazley DBA Governor for Western Australia; Defendant's solicitors John Quigley DBA Attorney-General)(Active); s 16 *Supreme Court Act 1935*

On 1 May 2018, the Honourable Kim Christian Beazley—

(a) took the Oath of Allegiance and the Oath of Office, as required under the Letters Patent relating to the Office of Governor of the State of Western Australia dated 14 February 1986 clause XVII; and

and schedule:

*Schedule—Commission appointing Governor
WESTERN AUSTRALIA*

Elizabeth R

{L.S}

ELIZABETH THE SECOND

*by the Grace of God Queen of Australia
and Her other Realms and Territories,
Head of the Commonwealth,*

for which referenced Letters Patent is an instrument of the Crown:

*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.

Grounds for inquiry:

In accord with the law, as the Federal and State party leader of a current registered political party, known as the Great Australian Party (GAP), I require, in support of the President and its members (public), and as a matter of law and housekeeping, seeking true representation in the upcoming election for the Parliament of Western Australia, to be issued February 3, 2021 by way of writ, I require verification that this writ is to be an exclusive exercise of the Crown. There is no law that may be identified, or relied on, to lawfully acknowledge the title/office “Queen of Australia”.

The two reports of the Constitutional Commission, published 1988, identifies the legal errors for the office, “Queen of Australia”, for which you had participated as a member of the commission prior to publication.

The commission of Kim Beazley assuming Office of the Governor of Western Australia, made under the name of “Queen of Australia” is contrary to the laws of the Commonwealth and title of the Queen, as the Sovereign for the Commonwealth of Australia, consistent and in compliance with all letters patent for the State within Western Australia.

Criminal Conduct:

For the avoidance of doubt, and in particular regard to 76 A(1) (c) *Electoral Act 1907 (WA)* subsequently avoiding any risk of criminal offence against any Great Australian Party Candidate, I ask that confirmation be provided to overcome the prohibition found at ss 16, 34 and 42 Constitution to nominate as a subject and not a citizen as found in *Division 2 — Nominations*.

76A. Who is qualified to be elected as member of Parliament

- (1) Unless this Act or another enactment provides otherwise, a person who —
- (a) has reached the age of 18; and
 - (b) is not subject to any legal incapacity; and
 - (c) is an Australian citizen; and
 - (d) has resided in the State for one year; and
 - (e) is an elector entitled to vote at an election in a district, is qualified to be elected as a member of the Council or the Assembly.

It⁴ is an offence to pretend office;

It is an offence to pretend exercise of office (Misfeasance);

It is an offence to deny Her Majesty's title, by law applied (Clause 2, *Commonwealth of Australia Constitution Act 1900 (UK)*);

It is an offence to refuse to obey a law in force in Western Australia (sections 173 and 177 *Criminal Code 1913*) including, but not limited to, the constitutional guarantee for all Western Australians found at section 2(3) *Western Australian Constitution Act 1889*.

Attention:

1. By what authority⁵ may there be right, acknowledgment and exercise of a governor's power to issue a writ of election for the State of Western Australia with respect to your appointment as Governor for Western Australia and the information above?; and
2. We make enquiry as to confirm, deny and/or state otherwise, the power(s) granted to the Premier of the State of Western Australia relied upon, so to secede from the Commonwealth to act under law.

Note Bene:

In the event that you fail to provide for the lawful exercise of office, for the Governor of Western Australia, the maxim from the English Law Dictionary, by Jowitt 1959 reprint 1972, provides:

De non apparentibus et non existentibus eadem est ratio. (4 Co.Rep. 5b, 47a;59b) -
(Of things which do not appear and things which do not exist, the rule is the same).

⁴ S 3 *Treason and Felony Act 1848*

⁵ The Annotated Constitution of the Commonwealth of Australia, (Quick and Garran, 1901, page 795) "1. Every power alleged to be invested in the National Government, or any organ thereof, must be affirmatively shown to have been granted. There is no presumption in favour of existence of a power; on the contrary; the burden of proof lies on those who assert its existence, to point out something in the Constitution which, either expressly or by necessary implication, confers it.... The search for power will be conducted in a spirit of strict exactitude, and if there be found in the Constitution nothing which directly or impliedly conveys it, then whatever the executive or legislature of the National government, or both of them together, may have done in the persuasion of its existence, must be deemed null and void..."

What is not in evidence is presumed to be no-existent. The maxim applies where a party seeks to rely upon any deeds or writings which are not produced in Court, and the loss of which is not accounted for or supplied in the manner which the law prescribes; for in this case they should be treated, as against such party, as if non-existent. That which does not appear will not be presumed to exist (R. v. Bishop of Chester (1786) 1 T.R. 396, 404; R. v. Walcot Overseas (1862) 2 B. & S. 555, 560) - See Broom. 99. unless they can be proved by secondary evidence.

I ask that authority be affirmatively shown so that any nominated candidate for the Great Australian Party (GAP) be fully satisfied and to be shown at law to overcome any inconsistency(s) prior to consent in order to give true Constitutional representation for the people of WA and not be made subject to any offence including but not limited to s 3 *Treason Felony Act* 1848.

All nominations for GAP candidates will be taken to be accepted on a expressed condition until shown otherwise upon address of the Quo Warranto. All GAP candidates will act in good faith under their Constitutional safeguard (Guarantee) found at s 2(3) *Constitution Act* 1889 (WA) until satisfied in full.



Rodney Culleton,
On behalf of the Great Australia Party, its
Members and the Public of Western Australia

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