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The Price of Freedom is Eternal Vigilance

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*This Coronation service is full of Scripture. This presentation, and the beautiful language which accompanies it, is a reminder that careful and prayerful attention to the Bible is at the heart of Christian worship and devotion, as well as being the historical foundation of so much of Britain's culture and ethics. (Coronation Rite commentary)*

**Young Person:** Your Majesty, as children of the Kingdom of God we welcome you in the name of the King of Kings.

**The King:** In his name, and after his example, I come not to be served but to serve.

**Moderator of the General Assembly of the Church of Scotland:** Sir: to keep you ever mindful of the law and the Gospel of God as the Rule for the whole life and government of Christian Princes, receive this Book, the most valuable thing that this world affords. Here is Wisdom; This is the royal Law; These are the lively Oracles of God.

**The King's Prayer:** God of compassion and mercy, whose Son was sent not to be served but to serve, give grace that I may find in thy service perfect freedom, and in that freedom knowledge of thy truth. Grant that I may be a blessing to all thy children, of every faith and conviction, that together we may discover the ways of gentleness and be led into the paths of peace, through Jesus Christ our Lord. Amen.

## A DISCUSSION WORTH HAVING By Arnis Luks

With the Coronation of King Charles III, it is timely to look at the historical record and functions of Kinship, Monarchy and Constitutionalism. I was recently directed towards the establishment of the Polish Constitution 1791, celebrated on the third of May each year, being the first written constitution in Europe and the second constitution in the world behind USA. [https://agad.gov.pl/wp-content/uploads/2018/12/Konstytucja-3-maja\\_Eng-v4.pdf](https://agad.gov.pl/wp-content/uploads/2018/12/Konstytucja-3-maja_Eng-v4.pdf)

San Marino's 1600 Constitution is un-codified, and the United Kingdom's Constitution consists of the 1215 Magna Carta and proceeds through various Parliamentary Acts up to Fixed-term Parliaments Act 2011. A work in progress if you like.

Within, what is described as the unwritten Constitution of the United Kingdom, I noted the Magna Carta 1297 confirms, firstly, the liberties of the Church of England and secondly the liberties of the City of London and the Cities, Boroughs, Towns, and the Barons of the Five Ports, and all other Ports.

The Church however is not free and has been dominated by political interference since Henry VIII reign - 1509-1547. The City of London, being the merchant and financial hub of that nation, has dominated UK government policy from before Cromwell's rule 1653-1658, and consolidated this power with the establishment of a privately owned central Bank of England 1694. No doubt there are other anomalies and much sordid history and intrigue within each Constitutional development.

The concept of Monarchy - the 'King in Parliament' - is that within this political structure of 'both Houses and the King', dissenting views are openly expressed, determinations are made, laws are enacted as to how the nation will function within the limits imposed by their various Constitutions. Most Constitutions have bicameral Parliaments - consisting of two Houses, while New Zealand and Queensland are unicameral, having only one House of Parliament.

In Australia the Upper House - the Senate returns half its membership back to the electorate every election-cycle, except for the Senators from the Territories, who are returned every election-cycle as does the lower house - the House of Representatives every 3 years. However, the Senate is not obliged to hold an election if the House of Representatives is returned early to the electorates. This removes any pressure of forced election of the Senate should there be hostility between the differing Houses.

Membership of the Senate is distributed equally across the various states and is referred to as the State's House, Tasmania achieving the same number of Senators as the most populous states Victoria or New South Wales. States' rights, or federalism if you like, is integral to the balancing of differing powers across our Commonwealth Constitution. The Commonwealth Constitution Act 1901 limited the powers divested from the States to the

Commonwealth to those head of powers listed within Section 51 & 52 of the Commonwealth Constitution Act 1901.

After having glanced at the differing forms of Constitution of the USA, Poland, United Kingdom and Australia, I see clear divisions of distributed powers across each Parliament. The arguments of King or President having inordinate power over Parliament, or the Australian and UK phenomena of the Lower House dominating the King and Upper House via the political party system continues even to this day. With the evolution of mass media and political parties, the public mind continues to float-around like flotsam following other purposes rather than a determined 'will of the people'. They don't know that they don't know. With no civics program to speak of within our education systems, nor a reliable media reporting Truly, we are left to fend for ourselves and perform our own research into this vital subject of civic- duty, -service and -responsibility, reporting honestly of the *True* news.

Every Constitution is constantly being challenged to further centralise power. This tendency appears to be a weakness within the nature of mankind. Resisting this tendency-to-pursue-centralisation is a tale that every nation can now speak from actual experience. It is a lesson from the past that may be inadvertently disregarded, or worse still, forgotten. The UK balancing of powers across both houses changed significantly across this past century, and had our 1975 Governor General John Kerr capitulated to Whitlam's attempt to dominate the Senate, we also would have found this balancing of equal powers across both Houses out of whack.

### **Foundational Philosophy**

While the modern USA maintains a secular perspective within their legal interpretations of the Constitutional document, Poland's Constitution declares in Article 1 that: the Holy Roman-Catholic faith is established with all its privileges and immunities as the dominant national religion. The Magna Carta similarly declared the Church as established by Law in England. Australia's Constitution doesn't declare a particular dominant national philosophy, however, within the preamble is stated 'humbly relying on the blessing of Almighty God'.

For each, the source of True authority is external to man, and power is measured based on an understanding, a standing under the ultimate authority - being God and His Laws. King Charles III was handed the bible as the living Oracle of God during the Coronation Rite.

Looking at this evolution of Constitutionalism in relatively modern times, a little over 200 years, metes and bounds are set on the various Parliaments. The rule of law, not the rule by law is dominant. Britain, the font of the Common or Natural law also places metes and bounds on law itself to be just and equitable as if from

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God. The Coronation Rite is imbued with this theme of 'just law' emanating from God alone as the True Authority.

*Rex Lex* refers to rule by decree - the King is Law. Today we experience in similar fashion rule by decree - whether it be the World Health Organisation issuing promulgations that are enforced by our National Cabinet therefore bypassing our Parliaments, or financial policy being directed from the World Bank, International Monetary Fund, and the Bank of International Settlements. The City of London has morphed into a central body of unfettered power that rules by decree. "Permit me to issue and control the money of a nation and I care not who makes its laws" - Mayer Amschel Rothschild.

### **The King's Coronation Service and The Coronation Oath (6<sup>th</sup> May 2023)**

Steeped in Christian tradition and immersed within the Traditional Anglican Communion Service, the official Liturgy for the Coronation Rite of King Charles III issued from Lambeth Castle can be sourced here: [https://alor.org/Storage/Library/PDF/Coronation\\_Liturgy\\_Commentary\\_06\\_May\\_2023.pdf](https://alor.org/Storage/Library/PDF/Coronation_Liturgy_Commentary_06_May_2023.pdf)

The Coronation Rite declares God as Sovereign over all the earth, and as the bulwark from which all righteousness - right-ness and justice flows. We witness and experience a perversion of The True, The Good and The Just Government, having been captured by merchant interests hundreds of years ago and held in a vice like grip with the assistance of the political party machines for nearly 100 years. To return to The Good, it is to us alone that we must take up this mantle of responsibility to restore order. As ED Butler never tires in saying: "This country is not going to be saved from the top, because that is where all the rot is. It is too deep. It is going to be saved from the grass roots."

### **Continuing This Discussion of Bureaucratic Lawlessness: From The UK**

Two Lords reports published on the balance of power between Parliament and the Executive: <https://committees.parliament.uk/committee/173/delegated-powers-and-regulatory-reform-committee/news/159146/two-lords-reports-published-on-the-balance-of-power-between-parliament-and-the-executive/>

**24 November 2021 Lords warn: Government by Diktat – the urgent need for the balance of power between Parliament and the Executive to be re-set and the role of Parliament restored. This is the message of hard-hitting reports published today by two cross-party House of Lords Select Committees with responsibility for scrutinising all primary and secondary legislation.**

The reports are by the Secondary Legislation Scrutiny Committee (SLSC), entitled *Government by Diktat: A call to return power to Parliament* and the Delegated Powers and Regulatory Reform Committee (DPRRC), entitled *Democracy Denied? The urgent need to rebalance power between Parliament and the Executive.*

Each contains a stark warning about a shift in power towards the executive.

Both reports express considerable alarm and criticise the increasing tendency of all governments in recent years to adopt procedures which effectively by-pass Parliament's role in the legislative process by enabling Ministers to make the detailed laws which govern every aspect of how we live and how businesses and other organisations operate.

The reports condemn a growing trend, made worse by the twin challenges of Brexit and the COVID-19 pandemic, in using skeleton bills to give Ministers sweeping powers to make secondary legislation that can be passed with little or no consideration by the two Houses. The DPRRC report also draws attention to the fact that, on occasion, these Minister-made laws are disguised as “protocols” “directions” or “guidance”, which have legislative effect but are often made without parliamentary oversight.

**ED:** *Within the Australian Legal Framework 'Secondary Legislation' would be Regulations, rules, by-laws, orders and local government laws or ordinances, which are commonly known as subordinate legislation and are a type of delegated legislation. Delegated legislation is law made by a body other than the legislature but with the legislature's authority, for the purpose of implementing and administering the requirements of primary legislation (also known as Acts or statutes).*

*Delegated legislation can be either reported legislation or unreported legislation.*

*Regulations are the most common type of reported legislation.*

*Some ministerial directions which do not appear in official government publications are an example of unreported legislations.*

<https://www.nla.gov.au/research-guides/australian-legislation/subordinate-legislation>

**continued...** The Committees highlight the lack of effective parliamentary scrutiny of secondary legislation which, unlike Acts of Parliament, is not subject to several stages of robust scrutiny but is only debated once in each House – if at all. Most importantly, secondary legislation cannot be amended, it must either be accepted or rejected in whole. As a result, rejection rarely happens – the DPRRC comments that the “all or nothing approach” is firmly rooted in favour of all.

The Committees also raise a further concern – that conferring powers in primary legislation may be concealing a tendency in departments to introduce bills before the underlying policy has been thoroughly thought through. Leaving policy development to be mopped up by secondary legislation lacks the intellectual rigour that should have been exercised at the start of the legislative process and denies Parliament a clear understanding of what it is being asked to approve.

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While the reports note that the extensive use of secondary legislation might be necessary at a time of national crisis, such as during the pandemic, both conclude that this government by diktat needs to stop:

A critical moment has been reached when Parliament as a matter of urgency should take stock and consider how the balance of power must be re-set afresh. Not restored does not mean just returning to how things were immediately before the pandemic, but reset afresh. If Parliament is being asked to accept new methods of legislating, then it is surely right that the government must stand ready to accept new methods of scrutiny and of holding them to account.

Both reports highlight other areas of concern including the blurring of lines between legislation and simple guidance and the use of guidance to fill gaps in legislation, the poor quality of legislation and supporting information, the use of Henry VIII powers which enable ministers to change or repeal Acts of Parliament using secondary legislation, and the use of tertiary legislation enabling ministers to give powers to themselves or others to make law.

Considering the concerns raised, the reports offer several solutions and make a number of recommendations.

First and foremost, the report calls for the Cabinet Office Guide to Making Legislation to be amended so that it is clear to departments that they must base their decisions about the delegation of powers to ministers on the principles of parliamentary democracy and not political expediency.

#### **Other recommendations include:**

A commitment by the Government that skeleton bills should only be used in the most exceptional circumstances. When used they should be accompanied by a declaration that they are skeletal, with a full justification for the approach adopted and setting out the safeguards in place to ensure that the lack of scrutiny at the primary legislation stage is recompensed by enhanced scrutiny at the secondary legislation stage.

A commitment by the Government that, where regulations need a full impact and risk assessment, the impact assessment should be laid at the same time as the instrument. Where a formal impact assessment is not required, the explanatory memorandum (notes) accompanying the instrument should contain enough information to highlight and make clear the effects of the instrument.

A commitment by the Government that where regulations contain a delegation of power (to make tertiary legislation), then the explanatory memorandum accompanying the instrument makes this clear with a full justification for the grant of such power.

The Committees also suggest that end of session reports from both committees along with relevant reports from the Joint Committee on Statutory Instruments and

the Constitution Committee should form the basis of regular debates in the House on issues relating to the balance between primary and secondary legislation, the quality of legislation and the provision of supporting explanatory materials.

### Comments from the Chairs

Commenting on the reports Lord Blencathra, Chair of the Delegated Powers and Regulatory Reform Committee said:

Legislative scrutiny really matters and while this report is full of parliamentary language and technical procedural explanations bordering on abstract constitutional essays or debate, the issues raised are relevant on a far more basic and everyday level. The way our laws are made can have a profound effect upon every aspect of our lives, granting rights, imposing obligations and involving enforcement measures possibly including criminal sanctions and imprisonment. As such it is imperative that the substantial shift in power from Parliament to ministers that has occurred over the years even prior to Brexit and Covid should be rebalanced.

We believe that a critical moment has been reached where action is needed to bring about a significant change in the way in which legislation is framed so that it is, first and foremost, founded on the principles of parliamentary sovereignty, democracy, the rule of law and the accountability of the Executive to Parliament. The Government must follow our new guidance so that when they draft new bills they will focus not on their ease of passage through Parliament without appropriate scrutiny, but with a duty to consider that our democracy demands that Parliament is supreme and acts as a check on the Executive.

Also commenting Lord Hodgson of Astley Abbotts, Chair of the Secondary Legislation Scrutiny Committee said:

These reports from our two committees are a blunt warning, that hundreds of laws are being imposed on all of us, in effect by government diktat, with no effective scrutiny and control by Parliament.

Increasingly the Government has made use of secondary legislation, regulations and orders which are subject to a much lower level of scrutiny than primary legislation. Given this, it is not surprising that the executive can be tempted to put as much of the law as possible into regulations.

At a time of national crisis, as during the pandemic when urgent action is required it may be necessary to pass laws speedily with the minimum of parliamentary process. However, government by diktat must not become the norm and the balance of power between the Parliamentary and the Executive must be reset to ensure effective legislative scrutiny resulting in laws that are necessary, which address the issues they are intended to resolve without creating further issues or resulting

in other unintended consequences because they are unclear.

Our reports set out solutions to arrest this development and we would urge the Government to heed our call to follow them and restore power to Parliament to effectively perform its role. *end of article*

**ED:** These two reports could just as readily have come from Australian, the USA or Polish Parliamentary Committees. Parliaments are being increasingly bypassed for expediency by Ministers, the Executive not being held to account by the Parliament, and also increasing Bureaucratic lawlessness. The Age of the Despot is returning to once again haunt the world.

**Extract from *The Tragedy of Human Effort*:** notes for the address delivered at the Central Hall, Liverpool, on October 30th, 1936 By CH Douglas:

...First, we have to know how to bring into our consciousness what sort of a world we want, and to realise that we alone can get it, not in detail, but in objective; and I might say at once that there is not one person in this room who is secure in the world that he now has. In my opinion, we want, first of all, security in what we have, freedom of action, thought, and speech, and a more abundant life for all. Every one of these is possible, and every one of them in the present state of progress of the world can be reduced to the possession of more purchasing power, so that it is not too much to say, even though it may sound banal, that the first objective of a democracy should be a National Dividend.

A second aspect of the problem has been clarified by the courageous utterance of the Lord Chief Justice, Lord Hewart, in his objections to the encroachments of bureaucracy. If I may restate them – the business of bureaucracy is to get us what we want, not to annoy and hinder us by taking from us by taxation and irritating restrictions those facilities which we otherwise should have.

Thirdly, and most important, we have to obtain control of the forces of the Crown by genuine political democracy...

.....We of the official (*Douglas*) Social Credit Movement are concentrating upon this problem of devising a (political-*ed*) mechanism, to enable the individuals who comprise the public to impose their policy on the organisations which have no sound reason for existence other than the will of the people...

**Two PDF books** (available in the *ALOR.org* library) covering these major themes are:

***The New Despotism*** by Rt. Hon Lord Hewart of Bury.  
***The Passing of Parliament*** by Professor and Late Judge GW Keeton \*\*\*

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