

THE 'OFFENDING' HEADLINE, AND ARTICLE:

Liz and Charlie: British law means precisely what we want it to mean

The British Government must reveal details of a secret power which allows two citizens, Elizabeth and Charles Windsor, to change proposed UK laws to suit themselves and their interests.

The UK Information Commissioner has ruled that the Cabinet Office must publish a public service guide to the way the senior royals are consulted before legislation is introduced to ensure it doesn't adversely affect them.

The manual details how the consent of "The Crown and The Duchy of Cornwall" is obtained before bills become law, and what criteria ministers apply before asking the royals for their opinions. <http://tiny.cc/agxxjw>

In a separate case, the FOI tribunal has ordered the British Government to disclose confidential letters that Charles Windsor wrote to Ministers, trying to influence government policy, between September 2004 and April 2005.

The release of the "black spider memos" – as they were named within the bureaucracy because of Mr Windsor's spidery handwriting – is likely to be a one-off. The government last year brought in a blanket ban on his correspondence being disclosed under FOI law in the future, regardless of whether it is in the public interest. The absolute block was imposed following pressure from the royal family, a well-placed source told the Guardian. <http://tiny.cc/ddwvkw>

(NOTE: Subsequently, in mid-October, a UK Government Minister has over-ruled the FOI Tribunal, and ordered the correspondence be not released.)

Letter 1, from Norman Pollack:

Dear CLA

As always, I was pleased to receive your latest newsletter, but there was one item that disturbs me. Under the heading "Liz and Charles" you refer to two citizens, Elizabeth and Charles Windsor". Do you need to be reminded that The Queen wears the crown and contempt for Her Majesty is contempt for the Rule of Law? Your attitude is that of adolescent iconoclasts and brings shame on Civil Liberties Australia. I assume you are all Lawyers, a profession that regularly denigrates our democratic Monarch, partly because Lawyers generally consider themselves to be above the law and entitled to treat it with contempt, and partly out of a desire for ultimate power, when convention is replaced by regulation and the last checks and balances against the abuse of power have gone.

As the Keating republican referendum, with almost the entire media encouraging change, the vote was lost in every state. Since then, the Monarchy has become more popular, so it is fanciful for anyone to continue to dream of such a change. This considered, it is wrong for any organisation to demean the Monarch in the way you have done.

Yours sincerely,
Norman F Pollack.
30 October 2009 (sic)

Reply, from CLA President Dr Kristine Klugman:

Dear Mr Pollack

Thank you for your letter expressing a view on the Monarch. We are glad you read the CLArion. As to the reference made, the point is that no citizen is above the rule of law. There is nothing democratic about the Monarchy. It is determined by hereditary succession. Historically it took revolutions in England to assert the will of the people (*the demos* in Greek) against the Monarchs.

I personally think the Royals are an irrelevance to modern society. I find obsequious reverence to the Royal family to be nauseating and slightly ridiculous, but people have a right to behave that way if they wish. What is most important is that a diversity of views should be allowed to flourish and ideas debated. Thank you for your views. Would you like your letter published in CLArion?

Yours sincerely
Dr Kristine Klugman OAM
President Civil Liberties Australia

PS: The editor advises the headline was chosen deliberately to emphasise that two rulings by court/tribunal meant two English people. E and C Windsor, were **not** above the laws which govern every British citizen.

Re rule of law: please see the CLA website for the article "*The one defining rule lacks clear definition*".

For the role of G-Gs in Australia, please see article '*1975: Barwick CJ, the CIA and Kerr: conspiracy goes back to the future*' (enclosed).

Saturday 12 October 2012

Letter 2, from Norman Pollack

Thank you for your letter on the Monarchy, claiming it is undemocratic. I disagree. I suggest that the sort of Monarch we enjoy in Australia is the most democratic form of government, resulting, as you point out, from a long history including revolutions.

Firstly, the Monarch only reigns because of popular acclaim, most recently in the referendum that was resoundingly defeated in all states. Secondly, we are all equally subjects of The Queen, which is a great equalizer and levels the social pyramid. Furthermore, with the Monarch at the apex of the pyramid, it is impossible for any captain of industry or retired, charismatic politician to aspire to that position. Certainly, it is a hereditary position, but it is unique and does not cause other roles in society to be restricted by inheritance, though it must be noted that there are dozens of political families in Australia (Wikipedia) and this will not change with abolition of the Monarchy, nor is it logical to single out the Monarchy on these grounds. Contrary to being a fault in the system, it is because the incumbent is born into the job that they are above politics and sectarian influence.

If you are raising the issue of lack of Democracy, may I respectfully suggest that nothing is less democratic than having a self-chosen intellectual elite, comprising people such as yourself, who think they know what is best for us ordinary people, and who keep hammering the issue, often with disgusting, unanswerable slander, and returning the matter to the public agenda until we plebs give in to your 'superior' decision.

Of course, no one is above the Law, but the Monarch and her heir arguably have a right to special privileges to make the Monarchy function. In any event, while you may have had a genuine issue that was worth raising, you should have done it with the respect due to any person, and not referred to them by demeaning, shortened first names, but used their titles, as presumably you do and expect for yourself.

Yours sincerely,
Normal F Pollack
17 October 2012

ENDS

Note: The Pollack correspondence is too long to run in CLArion, so it is reported here on the CLA website instead.