

Attendance: HIM Emperor Adam I, HG Lord Sir Sam Maude, HG Lord Sir Juliano Saunders, HG Lord Sir Alexander Helliker

Welcome, agenda reading:

The agenda was not amended.

Act 55 – Defamation Act 2019 (Emperor Adam I):

The Emperor (Chair, LMP) introduced the Act. Lord Saunders (Prime Minister, STM) expressed concern, noting that in context most Adammic discussion took place within the official Facebook group, that the bill would be used to silence the Storm Party, and suggested that the bill would be an unfair way of moderating the Facebook group. The Emperor questioned why the Storm Party wished to be legally able to spread falsehoods about individuals. Lord Saunders denied that the Storm Party under his management would ever spread such falsehoods, and raised concerns that a court dominated by Lord Helliker (LMP, Leader of the Opposition) would ultimately decide defamation cases. On a Point of Information, Lord Helliker stated that his position as Attorney General only made him the Government's main prosecutor, and that he was not a judge, and that he expected judges, which he described as volunteer positions, to be impartial. Lord Saunders questioned who would adjudicate in a defamation case. The Emperor suggested that this would depend on the nature of the case; he stated that, were the case to be politically sensitive, he would appoint a judge who had no role in Adammic politics, potentially by appointing a non-citizen as a full citizen in order to make them a judge, and stated that he himself would likely not be the judge in a politically sensitive case. Lord Saunders suggested that the bill was an example of the state going too far, and suggested that defamation was not a serious problem in Adammia. Lord Saunders further suggested that the people of Adammia would be intelligent enough to identify defamation themselves, and suggested that the idea that people may be misled by posts on Facebook was unlikely. Lord Saunders further expressed concern that the Council may be passing bills for the sake of passing bills. The Emperor stated that it was the purpose of the Ruling Council, as the Empire's legislature, to legislate; the Emperor further suggested that the purpose of the Ruling Council was to pass laws in order to create an institutional structure in which Adammic society may thrive. The Emperor stated that, just because there had not necessarily been any prior situation which might have resulted in a defamation case, this did not necessarily mean such a case may arise in the future, and hypothesised about a potential future political party which may have no qualms with making defamatory comments, stating that the Council would not be able to deal with such an incident “at the time” as the Council would not be able to apply the law retroactively. Lord Saunders suggested that the difference between the Liberal-Moderates and the other parties was that the Liberal-Moderates did not trust the people of Adammia, and that he did not believe the people would fall for defamatory rhetoric. The Emperor stated that the purpose of the bill was not to intervene politically, but to protect individuals if they have something false said about them, and questioned what legal recourse an attacked person would have to defend themselves without the bill. Lord Saunders suggested that the purpose of the bill was to protect individuals from the accusations of “cider corruption”, which his government had not followed up on for various reasons, including a lack of evidence.

Lord Helliker suggested that the bill may not necessarily be used for political purposes, but also personal reasons. He agreed with Lord Saunders that, should the people vote for a candidate who was defamatory, then that was their right, and agreed that any potential past transgressions by Storm Party members would not be covered by the bill as it could not be applied retroactively; Lord Helliker also suggested that there may be some entertainment value in holding a court case. Lord Saunders criticised Lord Helliker for wanting to pass a bill for “fun”. Lord Saunders further asked how the bill would be enforced if a person were to be found liable for defamation. The Emperor responded that a range of remedies were available to judges under the Courts, Judiciaries and Juries

Act 2018, which would be applied proportionally to the severity of the case, and that non-compliance with a judge's orders would likely be considered contempt of court, which would then become a criminal matter. Lord Helliker further clarified that in order for damages to be paid, the plaintiff would have to prove that measurable harm was suffered, and suggested that there was a high standard required in order to prove defamation under the proposed bill, and that one could not make spurious claims of defamation. Lord Saunders then questioned how a case of defamation would be proved. Lord Helliker stated that, in most cases, there would then be an obligation on the plaintiff to prove that they had been materially damaged. Lord Saunders then stated his belief that judges would be selected from a pool of people who would have tendencies towards the Liberal-Moderate Party. The Emperor asked whether it was the case that Lord Saunders did not have confidence in the independent judiciary. Lord Saunders stated that he did not have confidence if judges were appointed by the Emperor, a member of the Liberal-Moderates. The Emperor stated that he discharged his duties as Emperor in an impartial manner. Lord Saunders suggested that the monarch being a member of a political party was worrying. The Emperor stated that he had always kept his judicial duties separate from his political party roles, as he had with his administrative duties as Lord Chancellor, in terms of organising elections. The Emperor further suggested that suggestions made by both Lords Helliker and Saunders proved that the bill was robust; pointing to the suggestion that the Liberal-Moderate Party may be considered "elitist", he suggested that this would not pass as defamation as it would clearly be a statement of opinion. The Emperor further stated that, in all cases of libel per quod or slander per quod, the plaintiff would have to prove that they were materially damaged by the claim, and that only in the inherently defamatory cases of libel per se and slander per se would this requirement not apply.

Lord Maude (LAB, Deputy Prime Minister) suggested that, since the judiciary had never been tested, it was impossible for any person to state whether they had confidence in it; Lord Maude also suggested that, given the Emperor's assertion that it would be difficult to find a person liable for defamation under the bill, that the bill was therefore unnecessary. Lord Maude suggested that a larger issue than defamation in Adammia was that of fake news, and that he would like to see some form of independent fact-checker. Lord Maude stated that he was inclined to either abstain or vote against the bill. Lord Helliker stated that previous suggestions of a body to tackle fake news had been already shot down over concerns of government censorship. Lord Helliker further suggested that, by not having the bill in law, the state would not be able to act if such a case were to come up. The Emperor, responding to Lord Maude, confirmed that the judiciary was indeed untested, and suggested that this was partially due to Adammia's non-existent crime rate; the Emperor further suggested that, if there was no faith in the judiciary, then the Council might as well not legislate to introduce any kind of criminal offence or civil wrong. The Emperor admitted that there was little which could be done to remedy the fact that the judiciary was untested. Lord Saunders, responding to Lord Maude's suggestion of an independent fact-checker, suggested that it would be better for an independent body such as a second, independent newspaper, rather than the government, to do such a thing. Lord Saunders further suggested that it may be worthwhile looking at a new, cross-party way of forming the judiciary; that is to say, of appointing judges. The Emperor suggested that he was amenable to amending the system of the appointment of judges such that it was done with the consent of the Ruling Council, and the House of Citizens when it is introduced, pointing to the example of the United States, where Supreme Court nominees have to be approved by the Senate. The Emperor further suggested that such an amendment would be possible within Any Other Business. Lord Saunders suggested that this would be improper due to low attendance, and that it would be better to address the issue after the constitutional changes came into effect in the next term, and that it would be better to reject the bill for the time being in order to work on the foundations of the judiciary first. Lord Helliker stated that he agreed with Lord Saunders that the means of the appointment of judges could be reformed, noting that there was clear cross-party and imperial interest in resolving the matter, but suggested that it would be preferable to pass the bill now. Lord Saunders suggested that, just because there was cross-party support now, did not mean that there would be cross-party support during the next term, after the next election; Lord Saunders

suggested that the Council should not pass a bill on the premise that it could later be patched up, and that the foundations of the judicial system should be worked on first. The Emperor suggested that, thanks to the work of Lord Helliker, the foundations of the judicial system were in place, and that only a small change to the means of appointment was needed, and that in the interim, if the Emperor needed to appoint a judge, he would do so in an impartial manner and stated that he gave the Council his personal assurance that he would do so, and that he did not understand why members did not have confidence in him to do so, given what he claimed to be his track record as Lord Chancellor. Lord Saunders suggested that it was improper to rely on an unelected leader to make such appointments.

The Council divided:

AYES: 5 (Emperor Adam I, Lord Helliker, Lady Thornton (post-meeting), Sir Edward Hilton (post-meeting), Colonel Sir Samuel Boardman (post-meeting))

NOES: 3 (Lord Saunders, Lady Worthington (post-meeting), Sir Alexandre Schweig-Peters (post-meeting))

ABSTENTIONS: 2 (Lord Maude, Lady Peace (post-meeting))

The ayes had it, and the Act was passed.

Act 56b – Police Act 2019 (Emperor Adam I):

The Emperor introduced the Act. Lord Saunders described the bill as comedic, and questioned what parts of the bill could actually be implemented, suggesting that the Empire had no power to arrest or search individuals. The Emperor confirmed that macronational privilege did apply due to the Supreme Directive, but that if a person was found guilty of contempt of court then they could have their citizenship revoked.

Lord Helliker suggested that there was a severe lack of oversight for officers, who could make false arrests. The Emperor stated that the bill proposed to make it a civil offence for the APF to make an unlawful arrest. Lord Helliker suggested that a civil offence did not go far enough. The Emperor suggested that an amendment to the bill would be possible. Lord Helliker stated that, though such an occasion was rare, he found himself in agreement with Lord Saunders, suggesting that he did not find a police force as proposed in the bill to be practical in a micronation, instead suggesting a “criminal reporting service”, which would take the form of a governmental detective agency.

Lord Maude stated that he thought the bill ridiculous, and suggested that if he had a knife pulled on him by someone in Adammia, then he would obviously contact macronational authorities. Lord Saunders suggested that, whichever party came to power in the next term, the legislature should look at the fundamentals of the government and perhaps consider dissolving the APF.

The Emperor moved an Objection to Consideration. The Council divided:

AYES: 4 (Emperor Adam I, Lord Saunders, Lord Maude, Lord Helliker)

NOES: 0

ABSTENTIONS: 0

The ayes had it, and the bill was discarded.

Misc. debate – Questions to the Prime Minister (Emperor Adam I):

Lord Maude: How happy do the pins make you feel?

Lord Saunders: The pins make me feel very happy. I feel it would be a good step for the next government to do something similar.

Lord Maude: Why are they off-centre?

Lord Saunders: Fake news.

(Laughter)

Lord Saunders: I believe the Emperor will be distributing them during the barbecue.

Emperor Adam I: Yes.

Lord Saunders: It's nice, because it gets people involved, it's physical, and it makes people feel that they are part of more than just a Facebook group.

Lord Helliker: What was it you wanted to ask yourself?

Lord Saunders: I haven't thought that far. [...] I just want to congratulate the Emperor on improving his Chair voice.

Emperor Adam I: Thank you, Prime Minister.

Any Other Business:

The Emperor suspended order so that members could informally draft the proposed Diplomacy Act.

Act 56 – Diplomacy Act 2019 (Lord Maude):

Lord Maude introduced the Act. The Council divided:

AYES: 6 (Emperor Adam I, Lord Saunders, Lord Helliker, Lord Maude, Lady Peace (post-meeting), Colonel Boardman (post-meeting))

NOES: 1 (Lady Worthington)

ABSTENTIONS: 0

The ayes had it and the Act was passed.

Misc. debate – Dissolution of VII Legislature (Emperor Adam I):

Lord Saunders suggested that previous terms had not been as interesting or as lively as the term which had gone by. He suggested that people did not want to live in a “tyrannical dystopia”, and that open discussions were important in order to keep the dream of becoming a “real nation” alive, as Adammia was not a simulationist country, as, he suggested, some in the micronational community were quick to label people.

Lord Helliker stated that it had been a “fantastic” year for Adammic politics and that no past year had been so lively as this year; he further stated that, despite his many disagreements, he would like to thank Lord Saunders for making the past year such an interesting time, and to express gratitude that he was finally able to agree with Lord Saunders on some matters.

The Emperor gave official notice of the dissolution of the Council, listing the Acts that had been passed during the term.