

SUCCESSION TO THE CROWN (REQUEST) BILL 2013

Bill introduced on motion by Mr Barry O'Farrell, read a first time and printed.

Second Reading

Mr BARRY O'FARRELL (Ku-ring-gai—Premier, and Minister for Western Sydney) [4.02 p.m.]: I move:

That this bill be now read a second time.

The Succession to the Crown (Request) Bill is an important step towards reforming the rules of succession for Australia's sovereign. The bill joins New South Wales to a national scheme. In turn, the national scheme will fulfil Australia's agreement with the 15 other Commonwealth realms to modernise and align the rules of succession. The bill provides for the New South Wales Parliament to request and consent to the Commonwealth Parliament's enactment of legislation to change succession rules throughout Australia. All other States have agreed to make a similar request to the Commonwealth Parliament.

When the Commonwealth bill is enacted these reforms will end the bias of males over females in the line of succession. A girl born into the line of succession to the throne will no longer be overtaken in the line by a younger brother. As well, the reforms will remove the barrier to the monarch, or people in the line of succession, from being married to a Roman Catholic. Finally, it will repeal the Royal Marriages Act 1772. That Act, as the member for Kiama knows, currently provides that any marriage of a descendant of King George II that was not made with the monarch's permission is void.

Honourable members will be aware that Her Majesty the Queen is not only Queen of Australia; she is also the sovereign of 15 other Commonwealth realms. The leaders of the 16 realms agreed in 2011 to apply uniform changes to rules of succession in each of their jurisdictions. Earlier, Australia's Prime Minister consulted Premiers before committing to the changes, and I signalled in-principle support on behalf of the Government of New South Wales. As this agreement of the realms was reached during the Commonwealth Heads of Government meeting in Perth, it has become known as the "Perth agreement".

After the Perth agreement was struck at an international level attention has turned to how to implement the rule changes domestically. Informed by advice of the Solicitors-General, the Council of Australian Governments has agreed to implement the reforms by a cooperative request and consent scheme relying on section 51 (38) of the Australian Constitution. Under this scheme each State Parliament is to pass request legislation for the Commonwealth Parliament to enact legislation in the matter. A request and consent bill such as the bill before the House does not give the Commonwealth power to further change the rules of succession for Australia's sovereign in the future. The Commonwealth is only being authorised to enact a Succession to the Crown Bill that the State Parliaments have agreed to. The form of that Commonwealth bill is appended to the bill before the House.

I now turn to the key provisions of the bill. The request to the Commonwealth Parliament by the New South Wales Parliament is set out in clause 5 of the bill. Clause 4 of the Commonwealth Act will provide that the Act is not intended to affect the relationship between the sovereign and the Commonwealth, the States and the Territories as existing immediately before its enactment. Clause 4 therefore ensures that the current relationship between New South Wales and the monarch is not in any way disturbed by the reforms legislated by the Commonwealth. Clause 6 of the Act will provide that the gender of a person born after the Perth agreement on 28 October 2011 will have no relevance when determining succession to the throne. Honourable members will know that the Duke and Duchess of Cambridge are expecting a child in just two months. This child will become the third in line to succeed the Queen, after the Prince of Wales and Prince William. An effect of the change supported in this bill is that if the Duke and Duchess of Cambridge were to have a daughter and then a son the older daughter would precede the younger son in the line of succession.

Clause 7 of the Act will provide that a person is not disqualified from succeeding to the Crown or from being monarch due to their marriage to a Roman Catholic. The current prohibition dates from the Bill of Rights and the Act of Settlement at the end of the seventeenth and beginning of the eighteenth centuries. The people of New South Wales are from many different backgrounds and religions, and will be more comfortable with these reformed succession arrangements which align with the values of our contemporary society.

A third reform to the Act, at part 2 of schedule 1, makes changes to requirements for certain people to obtain the consent of the sovereign concerning marriage. As the member for Kiama will also know, the Act will require that any of the first six people in the line of succession to the Crown obtain consent of the Queen before their marriage. Failure to obtain consent will remove a person, and their descendants, from the line of succession. Currently, under the Royal Marriages Act 1772, any descendant of King George II must obtain the monarch's consent before marriage, otherwise the marriage is void. The Royal Marriages Act is abolished under the reforms in the Commonwealth Act.

The reforms outlined in this bill are consistent with the values of modern society. The people of New South Wales would expect these values to apply to the rules that govern the succession of Australia's head of State. The approach of enacting a request bill is a constitutionally sound as well as efficient way to achieve these important reforms. We look forward to the Commonwealth enacting legislation in response to this request bill—and the requests from other States. I commend the bill.

Debate adjourned on motion by Mr Ron Hoenig and set down as an order of the day for a future day.