

# SUCCESSION TO THE CROWN BILL 2013

## Explanatory Notes

for

**Amendments to be moved during consideration in detail by the Honourable JARROD BLEIJIE MP  
Attorney-General and Minister for Justice**

### Short title

The short title of the Bill is the Succession to the Crown Bill 2013.

### Policy objectives of the amendments and the reasons for them

The objectives of the amendments are to:

- (i) amend the Bill to also include a request under section 51(xxxviii) of the Constitution for the Commonwealth Parliament to enact a law implementing the same reforms as provided for in the Bill;
- (ii) align the succession to the Crown gender amendments to United Kingdom time;
- (iii) resolve an ambiguity in the amendment dealing with validation of marriages voided by the *Royal Marriages Act 1772*; and
- (iv) deal with the *Union with Scotland Act 1706* of England and the *Union with England Act 1707* of Scotland in a way that is consistent with how the *Union with Ireland Act 1800* of Great Britain and the *Act of Union (Ireland) 1800* of Ireland are dealt with under the Bill.

### Achievement of policy objectives

The objectives are achieved by way amendments to the Bill as described below.

### Alternative ways of achieving policy objectives

There is no alternative way to achieve the objectives.

## Estimated cost for government implementation

There are no costs associated with these amendments.

## Consistency with fundamental legislative principles

The amendments are consistent with fundamental legislative principles.

## Consultation

There has been some consultation with the Department of the Prime Minister and Cabinet and with the Parliamentary Counsel's Committee. There has not been any consultation outside Government on the amendments.

## Notes on provisions

*Amendment 1* amends the Preamble to the Bill to refer to the expediency of requesting the Parliament of the Commonwealth to enact under section 51(xxxviii) of the Constitution of the Commonwealth, an Act in the terms, or substantially in the terms, set out in schedule 1 as inserted by amendment 10.

*Amendment 2* deletes the word 'being' in clause 4 of the Bill (Objects of this Act) because it is unnecessary given Queensland's understanding that the amendments in the various Australian jurisdictions and the United Kingdom are proposed to commence at the same time.

*Amendment 3* makes a further amendment to the wording in clause 4 (Objects of this Act) regarding the Sovereign so that it is consistent with the equivalent clause in the schedule being inserted by amendment 10.

*Amendment 4* amends clause 5 of the Bill (Relationship with Sovereign not affected) consequential to a new section 13A being inserted by amendment 9 and is consistent with the equivalent provision of the model State Request Bill developed for the Council of Australian Governments (COAG) Working Group on Royal Succession.

*Amendment 5* amends clause 6 of the Bill (Succession to the Crown not to depend on gender) to provide that the date, 28 October 2011 referred to in the clause, is determined by United Kingdom time. This is consistent with the equivalent clause in the schedule being inserted by amendment 10.

*Amendment 6* amends clause 8 of the Bill (Disqualification arising from marriage) so that it is consistent with the equivalent clause in the schedule being inserted by amendment 10.

*Amendment 7* amends clause 10 of the Bill (Validation of some marriages voided by the *Royal Marriages Act 1772*) by omitting existing clause 10(1)(d), which is ambiguous, and inserting a new clause 10(1)(d). The amendment is consistent with

the equivalent section in the *Succession to the Crown Act 2013* recently passed by the United Kingdom Parliament and the equivalent clause in the schedule being inserted by amendment 10.

*Amendment 8* amends clause 12 of the Bill (References to Bill of Rights and Act of Settlement) to also refer to the Act of the Commonwealth Parliament being requested under new section 13A as inserted by amendment 9. This is consistent with the model State request Bill developed for the COAG Working Group on Royal Succession and new section 13A being inserted by amendment 9.

*Amendment 9:*

- Omits clause 13 of the Bill (Union with Ireland Act 1800 of Great Britain and Act of Union (Ireland) 1800 of Ireland affected by this Act) to insert a new clause 13 (Union legislation affected by this Act) which provides that so far as they are part of the law of the State, the union legislation referred to in the amendment relating to both Scotland and Ireland are subject to the Act.

This change has the effect of treating Article II of the *Union with Scotland Act 1706* of England and Article II of the *Union with England Act 1707* of Scotland in a way that is consistent with the Bill's current treatment of the *Union with Ireland Act 1800* of Great Britain and the *Act of Union (Ireland) 1800* of Ireland. Part of amendment 10 is consequential to this amendment.

The amendment will make the approach to the union legislation relating to both Scotland and Ireland consistent with the approach in the *Succession to the Crown Act 2013* recently passed by the United Kingdom Parliament, and the equivalent clause in the schedule being inserted by amendment 10.

- Inserts new section 13A which provides that the Queensland Parliament requests the enactment by the Parliament of the Commonwealth of an Act in the terms, or substantially the terms, set out in schedule 1. New schedule 1 is inserted by amendment 10. The request is made pursuant to section 51(xxxviii) of the Commonwealth Constitution. New section 13A(2) provides the request to the Commonwealth Parliament is not affected or limited in any way by any other provision of this Act.

*Amendment 10:*

- Omits Part 6 Division 3 (Amendment of Union with England Act 1707) and Part 6 Division 4 (Amendment of Union with Scotland Act 1706) consequential to the insertion of new clause 13 by amendment 9.
- Inserts schedule 1 consequential to the insertion of new section 13A by amendment 9. The schedule outlines the terms of the legislation that the Queensland Parliament is requesting the Commonwealth Parliament to enact. The provisions in the schedule are similar to the existing provisions of the Bill and are based on proposed Commonwealth legislation.

*Amendment 11* amends to the Bill's Long Title to reflect the amendments being made to the Bill.