

# FACT SHEET

## SUCCESSION TO THE CROWN (REQUEST) BILL 2013

The object of the Succession to the Crown (Request) Bill is to facilitate the law relating to the effect of gender and marriage on royal succession being changed uniformly across Australia and consistently with changes made to that law in the United Kingdom, so that the Sovereign of Australia is the same person as the Sovereign of the United Kingdom.

In Australia, all States have agreed to request the Parliament of the Commonwealth of Australia to enact legislation (the requested Commonwealth Act) to give effect to the proposed changes in Australia under section 51 (xxxviii) of the Australian Constitution.

The proposed changes are as follows:

- a to provide that royal succession is not dependent on gender, and so allow an older daughter to precede a younger son in the line of succession (for all Royal births occurring after midnight on 28 October 2011, being the date that the 16 Realms of which Her Majesty is Sovereign agreed to the change);
- b to remove statutory restrictions under which anyone who marries a Roman Catholic loses their place in the line of succession or is disqualified from being the Monarch; and
- c to repeal the Royal Marriages Act 1772 of the United Kingdom which (with some exceptions) makes void the marriages of any descendants of King George II who fail to obtain the Monarch's permission prior to marriage (and to provide instead that the first six people in the line of succession require the permission of the Monarch to marry and that they and their descendants are removed from their place in the line of succession if they marry without that permission).

The Bill is a “text-based referral” of power; that is the precise text of the Bill which the Commonwealth Parliament is being requested to enact is appended to the Bill. The Commonwealth is only being authorised to enact the Succession to the Crown Bill that the Tasmanian Parliament agrees to. This is the same process that was used successfully in 1986 to enact the Australia Acts.

The Bill does not give the Commonwealth power to further change the rules of succession for Australia's sovereign in the future without agreement of the States.

The Bill also makes a consequential amendment required to the Criminal Code. Currently the crime of ‘Treason’ provided for in section 56 of the Criminal Code is composed on the basis that the heir to the throne is a male. The amendment provided at clause 6 of the Bill is

required to make the relevant provisions of section 56 of the Criminal Code also apply if the heir to the throne is a female.