


SUCCESSION TO THE CROWN BILL

Introduction

 **Hon. JP BLEIJIE** (Kawana—LNP) (Attorney-General and Minister for Justice) (4.12 pm): I present a bill for an act to change the law relating to succession to the Crown, to validate certain marriages made void by the Royal Marriages Act 1772 of Great Britain, to repeal that act so far as it is part of the law of the state and make consequential amendments to other legislation. I table the bill and the explanatory notes. I nominate the Legal Affairs and Community Safety Committee to consider the bill.

Tabled paper: Succession to the Crown Bill 2013.

Tabled paper: Succession to the Crown Bill 2013, explanatory notes.

I am particularly pleased to introduce the Succession to the Crown Bill 2013. The bill brings about changes to the law in Queensland relating to the effect of gender and marriage on royal succession, consistently with changes being made to that law in the United Kingdom and in other Australian jurisdictions.

The government believes that succession to the Crown should rightly be gender neutral. Males and females should be treated equally in our present society and females should not be disadvantaged in the line to the throne as a result of outdated laws. The first-born surviving child should become the monarch regardless of gender.

At a Commonwealth Heads of Government meeting in October 2011, the leaders of the 16 realms of which the sovereign is head of state agreed to two reforms to the rules of royal succession. On 25 July 2012, the Council of Australian Governments—COAG—confirmed Australia's support for changes to the rules for royal succession, as previously agreed to in October 2011 by the leaders of the 16 realms of which the Queen is sovereign.

The Australian, states and territories governments have agreed to support three reforms to the rules on royal succession proposed by the government of the United Kingdom, including to allow for succession regardless of gender; to remove the bar on succession for an heir and successor of the sovereign who marries a Roman Catholic; and to limit the requirement for the sovereign's consent to the marriage.

The main objective of this bill is to ensure that succession to the Crown is not dependent on gender. The bill provides that, in determining the succession to the Crown, the gender of a person born after 28 October 2011 does not give that person, or that person's descendants, precedence over any other. Further, this bill will remove the disqualification from succeeding to the Crown, or from possessing it, arising from marriage to a person of Roman Catholic faith; and limits the requirement for the sovereign's consent to royal marriages to the first six individuals in the line of succession. The bill would thus replace the rule under the Royal Marriages Act 1772 under which any descendant of King George II must seek the reigning monarch's consent before marrying, without which their marriage is void, and would repeal that act.

I note that changes to these laws will not affect the everyday lives of Queenslanders. However, the changes bring the laws regarding royal succession in line with a modern and progressive society. As highlighted at the Council of Australian Governments meeting on 7 December 2012, both the Australian and state and territory governments fully support the changes to the rules of royal succession in Australia.

The government remains committed to preserving Queensland's longstanding ties and direct relationship with the Crown. It is for this reason that the government has decided to give effect to the measures in the United Kingdom Succession to the Crown Bill in line with an approach involving separate, substantially uniform and coordinated state legislation and complementary Australian legislation by introducing a separate Queensland bill. Queensland reserves its right as a sovereign state to amend its own laws regarding royal succession. Queensland considers its approach reflects its full commitment to implementing these important changes to the rules of royal succession whilst at the same time ensuring its longstanding ties and direct relationship with the Crown is preserved.

In presenting this bill, I note that the United Kingdom Succession to the Crown Bill has passed through the House of Commons and is yet to be considered by the House of Lords. It is not the intention of the government to proclaim the commencement of the bill until after the United Kingdom Succession to the Crown Bill has commenced.

In conclusion, it is appropriate that this measure be introduced so soon after the conclusion of Her Majesty the Queen's Diamond Jubilee year and within a week of the anniversary of Her Majesty's accession to the throne on 6 February 1952. I commend the bill to the House.

First Reading



Hon. JP BLEIJIE (Kawana—LNP) (Attorney-General and Minister for Justice) (4.17 pm): I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

Referral to the Legal Affairs and Community Safety Committee

Mr DEPUTY SPEAKER (Dr Robinson): Order! In accordance with standing order 131, the bill is now referred to the Legal Affairs and Community Safety Committee.

Portfolio Committee, Reporting Date



~~**Hon. JP BLEIJIE** (Kawana—LNP) (Attorney-General and Minister for Justice) (4.17 pm), by leave, without notice: I move—~~

~~That under the provisions of standing order 136, the Legal Affairs and Community Safety Committee report to the House on the Succession to the Crown Bill by 27 February 2013.~~

~~Question put—That the motion be agreed to.~~

~~Motion agreed to.~~

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~~ABORIGINAL AND TORRES STRAIT ISLANDER LAND HOLDING BILL~~

~~Second Reading~~

~~Resumed from 15 November 2012 (see p. 2710), on motion of Mr Cripps—~~

~~That the bill be now read a second time.~~



~~**Mr KNUTH** (Dalrymple—KAP) (4.18 pm): The Aboriginal and Torres Strait Islander Land Holding Bill 2012 repeals and replaces the Aborigines and Torres Strait Islander (Land Holding) Act 1985. The explanatory notes state that the main thrust of the legislation is to provide a process to resolve 474 applications that were made under the 1985 act to transfer land held in deed of grant in trust to perpetual leases. The bill also seeks to provide local governments continued access and use of their facilities and permit subdivision of deed of grant in trust land.~~

~~I welcome the intention to give Indigenous communities greater autonomy and recognise Indigenous peoples' full and beneficial ownership of their land. However, the bill is proceeding as an isolated proposal about the resolution of one land issue within Queensland's Indigenous local government areas.~~

~~This fails to recognise multiple interrelated land issues in Indigenous communities that require resolution. Coordinated reform needs to be developed with clear objectives so that all issues can be addressed and legislative changes result in outcomes consistent with the stated goal to facilitate higher levels of home ownership in Indigenous communities.~~

~~The debate about communal land ownership verses individual land ownership in Indigenous communities is complex. Currently the State Development, Infrastructure and Industry Committee is inquiring into the future and continued relevance of government land tenure across Queensland. The committee is due to report and could possibly propose that land eligible under the Land Holding Act to be granted perpetual leases should be converted to fee simple freehold title. If this land were converted to freehold then there would be less obstruction to individuals to gain private home ownership.~~

~~The provisions of this bill to deal with a land tenure issue that will also be addressed as part of a broader enquiry raises serious questions, such as why is the government putting forward a bill that proposes to return land that is the subject of a perpetual or special lease application to DOGIT when the State Development, Infrastructure and Industry Committee may recommend this land be converted to freehold lease? Or are the recommendations from the State Development, Infrastructure and Industry Committee inquiry a foregone conclusion? There is a bigger picture that this bill should be fitting into, but the government is not coordinating the development of that bigger picture.~~

~~Land ownership across all communities is rightly associated with the ability to generate wealth and provide a platform for self-determination and a means of improving social and economic opportunities. Returning land in Indigenous communities to Deed of Grant in Trust seems to be a step backwards. The Katter leases that are the focal point of this legislation were part of a three-tier approach in 1985 to restore full and meaningful home ownership and self-determination to Indigenous Australians:~~