Speech By

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MEMBER FOR INALA

SUCCESSION TO THE CROWN BILL

Ms PALASZCZUK (Inala—ALP) (Leader of the Opposition) (11.29 am): I rise to contribute to the debate on the Succession to the Crown Bill 2013. From the outset, I state that the opposition will be supporting this bill, although we do have some concerns about the process that was initially adopted by the Queensland government in order to give effect to the proposed changes. This bill was introduced by the Attorney-General on 13 February and referred to the Legal Affairs and Community Safety Committee, which reported on 27 February 2013. Unfortunately, because of the short time frame given to the committee to scrutinise this bill, a number of questions remain unanswered and the bill would have benefitted from at least a call for written submissions or a public hearing.

The bill purports to be the Queensland government's attempt to implement legislation to give effect to changes announced by the UK Prime Minister, David Cameron, which changed the rules relating to royal succession. It is important how those laws are effected because Queensland is not acting in isolation. There is the Commonwealth—seven states and territories and 16 realms, together with the United Kingdom—that must act in concert to ensure that the same person is recognised as the sovereign of each of those independent but aligned jurisdictions. It was at the Commonwealth Heads of Government Meeting, held in Perth in October 2011, that the prime ministers of the Commonwealth realm nations agreed to the proposal by David Cameron that the rules for the royal succession be reformed. To give full effect to the changes, it would be necessary for the reforms to be approved by the parliaments of all 16 realms. New Zealand chaired the working group to look at ways of implementing the change.

At the Council of Australian Governments meeting held in Canberra on 7 December 2012, the Prime Minister, the premiers and chief ministers of the states and territories agreed to the proposed changes to the rules relating to the succession to the British Crown. However, there was not anonymous agreement as to how those changes should be effected, with Queensland the only jurisdiction that did not agree on the proposed approach at that time. As the Premier said at the press conference after the COAG meeting, 'Queensland has a view that others don't agree with.' He went on to say—

> Well our view is that we will pass legislation in accordance with our position as a separate sovereign state. We're a federation of states, we're going to do it the right way, the proper way and that's our view.

I ask the Premier exactly from where he received the advice that Queensland going it alone was the right and proper thing to do. Perhaps in his speech in reply, the Attorney-General might explain whether he was the person who, in fact, provided that advice to the Premier. I know that the Attorney-General has at his disposal one of the greatest legal minds in the country and, certainly, one of the most imminent constitutional lawyers, the Solicitor-General. I note that even the explanatory notes to the bill state—

> The policy objectives could also be achieved by an approach under section 51(xxxviii) of the Australian Constitution, involving State legislation requesting the changes to be made by a Commonwealth law.

Under this option, each state would pass legislation that requests the enactment by the parliament of the Commonwealth of an act to give effect to the required changes to the royal succession rules. The proposed Commonwealth act would be attached to each state's request legislation. The Commonwealth would then enact the legislation in the terms attached to each state's request legislation.

Because there are so many different jurisdictions involved in the changes to be made and because of the importance of those changes being uniform to the greatest extent possible, this seems a flawed approach. By Queensland taking this unilateral action, not only are we putting at risk our own legislation and the question of who will be the valid heir in accordance with our legislation; we could also be preventing all other states and territories, along with the Commonwealth, from adopting their own uniform legislation. Queensland has placed itself in a position where it is seen to have been totally out of step with the other Australian jurisdictions for no apparent reason. If at COAG the Premier had been able to enunciate a legitimate reason for not taking the responsible mature approach, he should have raised those issues there for examination. In fact, the Communique from the COAG meeting stated—

COAG asked officials to continue to work towards cooperative implementation.

I ask the Attorney-General to explain why he did not do this in the first place.

Obviously, the Legal Affairs and Community Safety Committee had the same concerns that I have raised. I commend the chair and the members of that committee for the intellectual rigour that they brought to the report. The member for Ipswich is not listening. That is, indeed, how a committee of this parliament should operate. I am commending the member for Ipswich for the report. He is nodding, which I take to be nodding in agreement. To paraphrase the words of Sir Humphrey Appleby, I say to the chair of the committee, courageous decision, member for Ipswich, courageous! The questions raised by the committee are all very valid and perhaps could have been answered following a more considered scrutiny of the bill. Once again, part of the problem was that the issue was being rushed when a more cautious approach could have been taken by the government, and then perhaps we would not be in the situation where today we have placed before us a substantially different bill. I commend the Attorney-General for seeing the light.

Mr Bleijie: That is because the House of Lords amended it.

Ms PALASZCZUK: That is right. He did see the light and now he has amended his bill to make it consistent with everyone else. He has agreed to insert in the preamble—

It is expedient to request 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.

The Attorney-General has covered all of the recommendations that were outlined by the committee chair. I believe that the Attorney-General has addressed those issues.

In conclusion, of course the opposition will support the bill. We think it is the right thing to do. I am glad that the Attorney-General has seen the light and has worked cooperatively and in a spirit of federalism with the other states and the Commonwealth to make sure that Queensland is in line, that we are not going it alone and doing something substantially different that could find us at odds with others and could jeopardise the succession laws. All members of the House would share their wishes for the very best for the forthcoming birth of the heir to the throne. Whether that child is male or female, gender will not play a role in the succession. This is the right thing to do. I commend the bill to the House.