SUCCESSION TO THE CROWN BILL 2014

Second Reading

Resumed from 25 February.

MR J.R. QUIGLEY (Butler) [2.38 pm]: I rise to indicate the Labor Party's concurrence with and support of the Succession to the Crown Bill 2014, which in essence seeks to effect three things: firstly, to remove the rule of male preference over females in the line of royal succession; secondly, to remove the rule disqualifying a person from succeeding to the Crown or from being a sovereign due to their marriage to a Roman Catholic; and, thirdly, to repeal the Royal Marriages Act 1772 and replace it with a requirement that the first six persons in the line of succession obtain the consent of the sovereign before marrying and to validate certain other marriages made void under the Royal Marriages Act.

The bill also flows from an agreement at the Commonwealth Heads of Government Meeting of 2011 in which the Australian states, the Australian government and other dominions of the commonwealth agreed to amend legislation in this jurisdiction to reflect and give effect to the Succession of Crown Act 2013, an act of the United Kingdom. That legislation does not have an immediate flow-on effect in Australia because of the Australia Act 1986. The Parliament of the United Kingdom has seen fit to change the rules about royal succession. To give effect to those rules throughout the commonwealth, legislation needs to be passed in each of the jurisdictions in which Her Majesty and the Crown, or the alternative following Her Majesty—the future king or queen of England—hold that office.

Under the Australian Constitution, the commonwealth cannot proceed to change this legislation without the concurrence of each state in Australia or, indeed, by initiating legislation in the commonwealth Parliament at the request of the state. Under schedule 1 of the Succession to the Crown Bill 2014, the Parliament of Western Australia is requesting under section 51(xxxviii) of the commonwealth Constitution that the commonwealth also enacts legislation in substantially the same terms as this bill to give effect to the objects of this bill.

The legislative requirement that the person ascending to hold the Crown of the United Kingdom not be a Catholic was first legislated by the Act of Settlement 1701. After the split of the Crown of the United Kingdom and the Catholic Church during the reign of Henry VIII during the reign of the Tudors, it was followed in the early eighteenth century by the ascension to the throne of King William II and his wife Queen Mary II. They did not have surviving issue and it was the next in line from the House of Stuarts, who were Catholics. The Act of Settlement was passed, which ensured that Princess Sophie's son George, as I recall, would accede to the throne and that thereafter no Roman Catholic could ascend to the throne of England in the United Kingdom. Throughout the eighteenth century that rule prevailed, as it still does today. Towards the end of the eighteenth century some of the successors to William married surreptitiously to either people from the House of Hanover in Germany or divorcees or Catholics in the United Kingdom and by such marriage were disqualified from holding or ever becoming the sovereign of the United Kingdom. This presented a problem, however, because even though the parents could not become the sovereign of the state, where did the children of such a union sit in the line of succession?

The Royal Marriages Act was passed in 1772, which invalidated any marriage the participants of which had not received royal assent to the marriage. This rule applied to the first six people in the line of succession. None of those six people could marry until the sovereign had granted assent to the marriage and the sovereign's assent had been recorded in the records of the Privy Council. Thus, by these two pieces of legislation, it was ensured that no Catholic could accede to the throne. The Act of Settlement was very important in the early eighteenth century because it brought together under one crown the dominions of England, Ireland and Scotland but ensured under the Act of Settlement that the sovereign would never be a Catholic. The second enactment, of course, because of surreptitious marriages by people who were in the line of succession to become the king or queen of England, ensured that their marriages were rendered null and void and therefore their children regarded at law as being illegitimate. A number of couples have been affected by this rule--about six or seven, I think-the most recent of which was a request under the Royal Marriages Act by Prince George William of Hanover, who was a German citizen descended from King George III and whose father and grandfather were deprived of British titles under the Titles Depravation Act 1917 because World War I was in full swing at that stage. In 1946, Prince George William married Princess Sophie of Greece and Denmark, who was about to become a relative of the British family because her brother, Philip, was at that stage courting the future Queen Elizabeth. George and Sophie's request for permission from King George VI received no response due to sensitivity over the fact that a state of war still existed between the United Kingdom and Germany, and it was held by British officials at the time that the marriage and its issue would not be legitimate in the United Kingdom, despite being legal in Germany. Clause 11 of this bill repeals the Royal Marriages Act 1772, and under clause 8(2) the disqualification of a Roman Catholic succeeding to the office of sovereign of the realm is struck from the statute book.

The opposition supports this legislation because it brings about equality in the line of succession. It also means, of course, that if the first issue of the Duchess of Cambridge had been a daughter and not the lovely bouncy George, she would have been in line to the throne in precedence to any younger brother. Under the current law, if the first issue is a female child, any subsequent male child bumps aside his older sister in the line of succession; so equality is achieved. There is no challenge to the Crown of England by a competing royal house in Scotland anymore, and we note that in the recent debate held in the United Kingdom on the referendum over the possible secession of Scotland from the union, the Scots who were in favour of the yes proposition stressed that Her Majesty would remain Queen of Scotland. There is no competition now between houses as to who should be the sovereign, and the need for the rule that was enacted in 1701 in the Act of Settlement no longer exists. During that debate about the possible secession of Scotland from the United Kingdom, Her Majesty, through Her Majesty's spokesperson, made it abundantly clear that the choice as to whether Scotland remained within the United Kingdom was a choice for the people and not a matter that Her Majesty would in any way want to cast an opinion on, one way or another.

I raise this point because although I rise in support of this legislation and I am a great admirer of Her Majesty and the work she has done now in public service for over 60 years—a remarkable devotion to public service and stability within the United Kingdom and within the commonwealth—nonetheless, it would be remiss of me to get to my feet and not to take this opportunity to say that I am a committed republican in Australia. Although I am a great admirer of Her Majesty and the work that she has done both in the United Kingdom and throughout the commonwealth, I am a believer that in Australia a republic and a local head of state are inevitable with the effluxion of time. I note that when we had the debate on the referendum as to whether that change should or should not come during the term of Mr Howard's Liberal federal government, Her Majesty, through spokespersons again on that occasion, indicated very clearly that this was a choice for the people of Australia and not something that she would want to be heard on. That was very similar to the situation in Canada, which is constitutional monarchy, and that country's constitution is no worse off for that. I hardly think that anyone in Buckingham Palace or close to the royal family would ever read the speech of the shadow Attorney General made in the Legislative Assembly in that far-flung state of Western Australia. I cannot imagine anyone in the royal family ever reading this.

Mr R.F. Johnson: I will forward it to her!

Mr J.R. QUIGLEY: Thank you, member for Hillarys. I am sure that if the member for Hillarys, as well connected as he is in the United Kingdom, got the *Hansard* of my little speech past the gatekeepers and somewhere near Her Majesty and if she ever read these comments, she would not dissent from them, because she has already made her view clear.

Ms M.M. Quirk: If you had a forelock, you could tug it!

Mr J.R. QUIGLEY: I am not a forelock tugger for a number of reasons, but, most of all, I cannot remember when I ever had a forelock! I probably had one, but it was long ago. My daughter was explaining to one of her friends the other day that she believes I was born like this and that her daddy never had any hair—or a forelock!

Mr R.F. Johnson: You probably were born like that.

Mr J.R. QUIGLEY: I will put it this way: if the member for Hillarys had seen my late father, he would have no question as to my parentage. A nice man he was, and even after his passing he would abide this criticism that I make of him: if he had one failing that I came to know in his nearly 94 years in this world, he left the family tradition of voting Labor and voted Liberal all of his life. That is something I could not quite fathom, given that my grandfather, who was the deputy master of the Royal Mint and lived in the mint during the Depression, was a great campaigner for the late and much-lamented Phil Collier, who rose to the office of Premier of Western Australia. Anyway, dad's politics were dad's politics; he voted Liberal and was also a great supporter of the Crown. We got to this point through my lack of hair.

Having made my comments, I am sure that if Her Majesty or anyone close to her ever read my comments that I aspire that one day Australia will be a republic and none the worse for it—even stronger for it—that would not cause offence to Her Majesty. In that regard, we reflected this morning on a great Western Australian, the recently deceased and very highly regarded, David Malcolm, who was a Lieutenant-Governor. Malcolm McCusker, AC, CVO, QC, was a Governor; and Mrs Kerry Sanderson was administered the oath of office on Monday as our first female Governor, and we all applaud and celebrate that. This jurisdiction has shown its capacity to throw forward citizens to occupy the office of Governor of Western Australia who are Western Australians. That office would not be diminished in any way if we were a republic. Similarly, at the federal level, there have been some splendid Governors-General. I paused there for a moment because one was perhaps not held in as high regard as the others, but from Sir Zelman Cowen onwards they seemed to be all very splendid and worthwhile holders of that office. The Queen makes her appointment to the office of

Governor-General or the office of Governor on the recommendation of her ministers at federal or state level, so our capacity to have an Australian as head of state is self-evident, given the history of Australia and Western Australia, especially in the last 20 or so years. We are a monarchy; we all pledge fealty to our head of state. We have only one head of state; we have a Governor and a Governor-General appointed by the Queen. They are heads of state. I aspire for that to change but whilst the Queen is our head of state, it is important that this legislation pass expeditiously through this Parliament so that there is sexual equality in terms of the right of succession so that no antiquated rule can preclude someone from being the head of state on the grounds of religion. It also seeks to request that the federal Parliament of Australia pass the same sort of legislation, as will all other states, to clear up this matter and, whilst we have the current constitutional arrangements in place, to at least bring them up-to-date to the twenty-first century.

MS M.M. QUIRK (Girrawheen) [3.04 pm]: "Australians all let us rejoice, For we are young and free"—these are words that we have sung with gusto and enthusiasm on countless occasions at school assemblies and official events. The Succession to the Crown Bill illustrates that we are not, strictly speaking, totally free. It reminds us that we are part of a realm. I make no judgement about whether this is a good or bad thing but it is, if you like, a legal oddity. If this fact escapes due attention, surely Prime Minister Abbott's extraordinary unilateral decision earlier this year to restore imperial honours certainly would have come to notice. This raised many eyebrows and one suspects, even the odd tiara! In some respects, this decision from the former director of Australians for a Constitutional Monarchy and self-confessed anglophile was hardly a surprise. A little more surprising is that the decision effectively reverses a system that has been in place since 1975, as we heard yesterday, modified in 1986 and left in place by two previous Liberal Prime Ministers, Fraser and Howard. Prime Minister Abbott made this decision without taking it to cabinet. As Lenore Taylor notes in an article in *The Guardian* of 26 March this year —

> … the rationale behind the move is similarly regressive: The prime minister said the new gongs were needed because the existing ones —

What is the problem? I am quoting.

Dr K.D. Hames interjected.

Ms M.M. QUIRK: Good. It continues —

> recognised only "eminent" Australians while the new gongs would recognise "pre-eminent" ones. The method of selection also takes us backwards. The final decisions for other Order of Australia awards is made by the Council for the Order of Australia, on purpose, so they are not the gift of politicians. The new knights and dames of the land will be picked by the prime minister, with the chairman of the Order of Australia Council merely consulted.

As the article concludes —

> And then a quick perusal of the immediate response revealed much more ridicule than outrage. Commentators were incredulous. A twitter hashtag #knightsanddames filled with knights of the round table gags, suggestions about who could be knighted and for what type of soaring public service and references to lute practice and jousting and the imminent return to imperial measurements and pounds and pence.
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> So maybe the answer to the question—haven't we moved past this—might just be that while the prime Minister hasn't, most of the rest of us certainly have.

On a less glib note, this bill similarly compels us to travel back in time but for a more worthy purpose. The bill has Labor's support because it removes two sources of entrenched discrimination, instead, enshrining provisions that are consistent with the notions of equality of gender and the right to freedom of religious practice. These are thoroughly modern and commendable objectives. It leaves, however, the requirement that the monarch himself or herself cannot be a Catholic. That, however, directly relates to the role of the sovereign as head of the Church of England.

I intend to move an amendment that I will canvass shortly and that in my view better reflects the mischief of the legislation. Before I do so, it is necessary to review the recent history of the bill and the source of the laws that necessitated consent of each part of the realm for a change. As we heard from the member for Butler, on 28 October 2011, the Commonwealths Heads of Government Meeting was held here in Perth at which the heads of the governments of the 16 realms of the commonwealths, which share Queen Elizabeth II as head of state, announced that they would introduce legislation in all 16 countries to end the primacy of males over females and the disqualification of persons married to Catholic spouses in the succession to the Crown.

British Prime Minister, David Cameron, additionally proposed to limit the requirement to obtain the monarch's permission to marry to the first six people in line to the throne. The Commonwealth Heads of Government

Meeting agreement was that the legislation be passed in all 16 realms. The agreement provided for the succession of the Crown to be determined without regard to the sex of those born after 29 October 2011 and it abolished exclusion from the throne of those who married Roman Catholics. It repealed the Royal Marriages Act 1772 and substituted a requirement that the first six individuals in line to the throne obtain the consent of the sovereign to marry. Finally, it validated certain marriages that occurred in violation of the Royal Marriages Act.

On 2 December 2012, the British government received final agreement in writing from the other 15 commonwealth realms. On 4 December, the day after the Duchess of Cambridge's pregnancy was announced, the British government announced this final agreement, adding that the other realm governments had confirmed that they would be able to take the necessary measures in their own countries. At a meeting of the Council of Australian Governments in mid-December, the then Prime Minister, Julia Gillard, and the Premiers of five states agreed that each state legislature would pass a law permitting the federal Parliament to alter the line of succession for the commonwealth and all the states. The state government of Queensland was a recalcitrant but eventually came on board. It was understood by all that the federal Parliament of the Commonwealth of Australia would not bring its process of legislating until all the states had passed legislation.

In the meantime, Prince George—a boy—was born on 22 July 2013, which rendered some of these laws moot in the short term. Ironically, I suspect that the Duchess of Cambridge may well have given birth to her second child by the time the laws are passed here. Recent media reports suggest that the birth will be in April 2015. All other states have passed laws; New South Wales in July 2013, Tasmania in September 2013, Victoria in October 2013, Queensland on 14 May 2013 and South Australia in June of this year. We are the holdout state and it is not clear why the bill, introduced in February this year, has taken so long to get to this stage. The tardy response to the CHOGM reforms was noted in question time in the House of Lords earlier this year. On 26 February 2014, Lord Lexden asked the following question —

> To ask Her Majesty's Government when the Succession to the Crown Act 2013 will be brought into effect.

To which the Advocate-General for Scotland, Lord Wallace of Tankerness, replied —

> My Lords, the Succession to the Crown Act will be commenced when each Commonwealth realm has taken all steps necessary to give the changes effect in its jurisdiction.

Lord Lexden then continued —

> I thank my noble and learned friend, who is the master of the intricacies of this legislation. Can he reaffirm that it is absolutely essential that this modernising constitutional change is implemented—and implemented fully—in all 16 realms of which Her Majesty is head of state to ensure that the Crown descends in exactly the same way in all of them. Does my noble and learned friend have any reason to anticipate that any of the realms might ultimately default on their obligations under the Perth agreement?

To which Lord Wallace of Tankerness replied —

> My Lords, I entirely agree with my noble friend that it is important that all 16 realms agree. Indeed, the intention is that when they all have put in place the necessary legislation there will be a simultaneous order to give effect in each of the realms. I make it clear that all realms that took the view that legislation is required have passed the requisite legislation, with the exception of Australia. As I informed your Lordships' House at Third Reading, the Council of Australian Governments agreed that respective states would legislate first, requesting that the Commonwealth legislation be brought forward by the Canberra Government. To date, three states have enacted legislation; two have introduced legislation; and South Australia has yet to introduce legislation because it is in the middle of an election campaign.

We now know that all states have, bar Western Australia. More discussion about this continued with Lord Marks of Henley-on-Thames remarking —

> My Lords, with the birth of Prince George some of the urgency has gone out of the need to implement Section 1 of the Act. Does my noble and learned friend agree that it is still important, and indeed urgent, to bring Section 2 into force to start to implement the dismantling of the discrimination against Roman Catholics that has been embedded in our constitution and therefore in those of Her Majesty's other realms for well over 300 years?

To which Lord Wallace replied —

> My Lords, I entirely agree with my noble friend. He is right to say that the birth of Prince George has taken away the immediacy of that particular matter, but he is also right to point out that the Act also allows someone in the line of succession to become sovereign to marry a Roman Catholic. It also removes the requirement of the heirs of George II to seek Her Majesty's approval before they can marry—it will now be confined to first six in line to the throne.

I will quickly read out two other comments. Baroness Hayter of Kentish Town said —

> My Lords, it is for exactly those reasons that the Opposition very much welcomed the Bill. If I understand it, it is only Australia for which we now wait. We just hope that before the Duke and Duchess of Cambridge get to Australia, it may have done the necessary. Although their first born is a son, were they to have a brace that come further, the order of succession may still be important for those subsequent children. Can the noble and learned Lord perhaps use his good endeavours to see this speedily enacted?

And Lord Wallace of Tankerness replied —

> My Lords, it is fair to say that all the state premiers in Australia have indicated their support for this measure, and that the Commonwealth Government of Australia stand ready to put in place the necessary legislation once each of the states has enacted its legislation.

I am sorry to read that out at length but members can see that even the House of Lords is hanging on this legislation. We are the only thing that is standing in the way of the commonwealth passing the legislation, which is the last realm to enact the laws. This is ironic given that it was the Perth agreement that resolved to make amendments to this legislation when we are, in fact, the ones now being dilatory.

I will now get on to the issue of the amendment. In the second reading speech there are three objectives to the bill. The second one was noted —

> Secondly, it removes the rule disqualifying a person from succeeding to the Crown or from being the monarch due to their marriage to a Roman Catholic. The provision will also apply to marriages made before the commencement of the provision, which means that persons who had lost their place in the line of succession will regain it.

My concern lies with the term "Roman Catholic". First, it is not what the church calls itself. The word "catholic", as everyone knows, means universal. The word "Roman" is an adjective referring to the city or sea of Rome, the first city of an ancient empire and the capital of modern Italy, but to qualify the word "catholic" which means universal, with any adjective is a contradiction in terms. Second, the term was used post-Reformation to distinguish Catholics from the adherents to the Church of England, which now officially refers to itself as Anglican in Australia or as the Church of England in the United Kingdom; hence the need to make that distinction is no longer necessary.

My next concern with using the term is that historically in Australia the term Roman Catholic harks back to sectarian times when the expression was used pejoratively. This is not ancient history and certainly previous generations can recount even large and respectable firms up to the late 1970s having a policy that "Roman Catholics need not apply". For balance, I also know that some places likewise became notorious for having a large number of Catholics working in them, such as the postmaster general's department. This was a reaction to the bans that occurred against Catholics. Third and most material in terms of this legislation, the Act of Settlement of 1701 does not use the term "Roman Catholic". It reads —-

> … are or shall be reconciled to or shall hold Communion with the See or Church of Rome or shall profess the Popish Religion or shall marry a Papist shall be subject to such incapacities …

It is arguable that "Roman Catholic" is a narrower disqualification than in the Act of Settlement, which covers all those churches that are in communion with the Church of Rome. The word "papist" will be deleted by this Succession to the Crown Bill from the Act of Settlement, but it is not strictly interchangeable with the words "Roman Catholic". In other words, in removing the disqualification only on Roman Catholics, members of the eastern Catholic churches, for example, who are in full communion with the See of Rome will fall within the definition contained in the original Act of Settlement, but will not be covered by the bill. It is for that reason that I prefer the term "Catholic" as it is inclusive and more consistent with the Act of Settlement. In this regard, there is no doubt that the government will argue that the legislation has to be passed in six states, and needs to be uniform; otherwise, it will put a spanner in the works. However, under the bill, we have to pass laws that are only substantially similar. That is outlined in point 3 of the preamble and clause 6 of the bill. We need pass laws only substantially similar to those in the other states and the commonwealth. Removing the term "Roman" will not cause difficulty in the overall scheme of things.

[Member's time extended.]

Ms M.M. QUIRK: Other states may have passed legislation with the term "Roman Catholic", but that is not an impediment to us passing it in an amended form. What are the eastern Catholic Churches to which I referred? Some are very small in number; some are very large. There are the Patriarchal Latin Catholic Church with an estimated membership of more than one million; the Patriarchal Armenian Catholic Church with a membership of 300 000; the Patriarchal Coptic Catholic Church with a membership of 250 000; the Ethiopian Catholic Church with a membership of 200 000; the Patriarchal Antiochian Syrian Maronite Catholic Church with a membership of three million; the Patriarchal Chaldean Catholic Church with 300 000; the Syro–Malabar Catholic Church with more than three million; the Patriarchal Syrian Catholic Church with about 100 000; the Syro–Malankara Catholic Church, which has a West Syrian rite, with 400 000; the Patriarchal Melkite Catholic Church, with 1.3 million; the Italo–Albanian Catholic Church with 60 000; the Ukrainian Catholic Church with four million; the Ruthenian Catholic Church with half a million; the Hungarian Catholic Church with 200 000; the Russian Catholic Church, which has only 20 parishes worldwide; the Belarusian Catholic Church with 100 000; the Albanian Catholic Church with 3 000; the Greek Catholic Church in former Yugoslavia with 70 000; the Bulgarian Catholic Church with 10 000; the Slovak Catholic Church with a quarter of a million; the Byzantine Catholic Church in the United States with 100 000; the Romanian Catholic Church with 700 000; the Greek Catholic Church in Greece with 2 000; and, finally, the Georgian Catholic Church with 7 000. Before adding up all those numbers, they might seem like obscure churches, but the inclusion of that term in the legislation will mean some millions of people who practice particular versions of the Catholic faith will be excluded from being able to marry the monarch. They may not necessarily want to do that, but if this legislation is about removing discrimination, the use of the word "Roman" will entrench discrimination.

I will no doubt be criticised for nitpicking, but I think I have demonstrated that the use of the term "Roman Catholic" in the legislation—a term the church does not call itself—will enshrine exclusion and is consistent with the very mischief of the laws. With a minor amendment, we can demonstrate that discrimination on the basis of religious practice, be it eastern or western Catholicism, be treated the same. We have waited so long for this legislation—for three centuries or so; surely we can at least try to get it right.

MRS G.J. GODFREY (Belmont) [3.27 pm]: I rise to speak in support of the Succession to the Crown Bill 2014. It is an important bill because it will remove discrimination on the grounds of religion and gender. The main object of the bill is to ensure that the sovereign—that is, the King or Queen of the United Kingdom—is the same person as the sovereign of Australia and of each state of Australia. To remove the problem of discrimination, the bill has to be passed—indeed, its passage is long overdue. The purpose of the bill is for us, the state Parliament, to request the commonwealth to make changes to the rules of royal succession. It is not intended to affect the current relationship between the sovereign and the commonwealth, the sovereign and the states and the sovereign and the territories. This is an important safeguard to ensure that the current status is preserved. It is important that section 7(5) of the Australia Act 1986 remains.

I was interested in this process when it was first raised, and I sought to understand the rationale behind it and its background. It is indeed complex. The Crown plays a key role in the constitutional framework of this state. Parliament consists of the Legislative Council, the Legislative Assembly and the Queen. This bill will modernise the rules of royal succession, which are currently discriminatory and out of date in the context of today's society. Generally, there will be three main changes to the rules of royal succession. The first will remove the rule of preference of males over females in the line of royal succession; the second will remove the rule that disqualifies a person from succeeding the Crown or from being sovereign due to being married to a Roman Catholic; and the third will repeal the United Kingdom Royal Marriages Act 1772.

The Constitution is the state's most important act of Parliament. The Constitution is written in complex language and consists of two separate statutes—the Constitution Act 1889 and the Constitution Acts Amendment Act 1899. All Australian states have since consolidated their Constitutions. Western Australia is the only jurisdiction to retain this anomaly. In February 2001, the election platform of the newly elected Labor government contained a commitment to a people's convention to facilitate constitutional reform. The people's convention was to include a pledge to consolidate the state's Constitution. In October 2001, the people's convention was postponed. The founding fathers of Western Australia's Constitution included a Mr William Edward Marmion, who is the great grandfather of the member for Nedlands. A number of significant modifications have been made to the Constitution. For example, the number of Legislative Assembly members has increased from 30 to 57; property qualifications for voting have been eliminated; women have been granted the right to vote and contest elections; and, religious leaders are eligible to become members of Parliament.

Three of the most successful British monarchs have been women. Elizabeth gained the Crown only because there were no males in the Tudor line after Edward VI died in 1553. Queen Victoria ascended to the throne in 1837, while Queen Elizabeth II was crowned in 1953 because she did not have a brother. She has been a popular and great Queen, as seen throughout her diamond jubilee celebrations in 2013. Prince Michael of Kent, the grandson of George V, had to forfeit his place in the line of succession in 1978 when he married an Austrian Catholic, now Princess Michael of Kent. I tried to research the issue of using "Catholic" versus "Roman Catholic", and it seems

to be six of one and half a dozen of the other. I am told that the "Roman Catholic" terminology is being used for the implementation of this legislation. I am surprised that it has taken so long to amend this legislation, and I support the bill.

MR D.J. KELLY (Bassendean) [3.30 pm]: I was just chatting here in the cheap seats. I thank the Deputy Speaker for the opportunity to make a contribution to the debate on the Succession to the Crown Bill 2014. Firstly, I will say that I am a Republican. I think the idea that we can modernise the monarchy is a contradiction in terms. The whole idea of democracy in which people get to vote for their government was the process that modernised the system of government and moved it away from the idea of a monarchy. The notion that this bill in some way modernises the monarchy is one that I think is misplaced. We might argue that some of the suggested changes are desirable because they remove discrimination on the basis of gender or religion, but to say that this bill modernises the monarchy or brings it into the twenty-first century is a gross overstatement. I came into the Parliament hoping to deal with the important issues facing Western Australia. I think that the time spent on a bill such as this would be better spent dealing with homelessness, unemployment, public transport or domestic violence; the list goes on.

Mr P. Abetz: You are welcome to sit down.

Mr D.J. KELLY: I have just been encouraged by the member for Southern River to sit down. If the member for Southern River is not interested in hearing what I say, he can go and get a cup of tea. I intend to have my say on this bill because the government has put it on the notice paper. My point is that parliamentary time spent attempting to modernise the monarchy, when the monarchy is the antithesis of democracy, is, in my view, a misplaced notion.

What is this bill trying to do? Firstly, it removes the rule of preference of males over females in the line of succession. That is a worthy thing to do, but it is bizarre that in the twenty-first century the monarchy still has a provision that states that a woman must stand aside from the throne for her male siblings. Most institutions in our community have long since cast aside the notion that women are inferior to men, and that is a damn good thing, but the monarchy, but for this bill, still says that male siblings take precedence over female siblings in the line of succession. If we needed any more stark an example of why the monarchy as an institution is outdated, this would be it. Did the British monarchy suddenly wake up in 2010, or whenever it was, and decide that women should have equal rights to the throne? It is appalling that this change was not made much, much earlier, but it is indicative of the very nature of the monarchy.

Secondly, this bill removes the rule disqualifying a person from succeeding to the Crown or being the monarch due to their marriage to a Roman Catholic. Reading that sentence makes me think, "Really, you couldn't be the monarch of Australia if you married someone of a proscribed religion?" I went to a Catholic school, but I am not a card-carrying member of the Catholic Church at this time. I am not standing in this chamber to defend the right of Catholics to be kings or queens because that is my religion; I just find it really offensive that any modern institution that claims to have a place in a modern society has rules around a person's religion. It is absolutely extraordinary. This bill removes the prohibition on people becoming the King or the Queen if they have married a Catholic, but people have not mentioned in the debate that the rules of succession still mean that a person who is a Catholic cannot become the King or the Queen. To try to justify that by saying that the Queen is the head of the Anglican Church and, therefore, that discrimination is acceptable is, I think, extraordinary. People in Australia come from hundreds of different religions and some do not prescribe to any particular faith. The fact that our head of state has to effectively come from one particular religion is a notion that should have been consigned to the dustbin of history long ago. In the twenty-first century, in Australia, our head of state not only cannot be an Australian, but also has to be of a particular religion. I find that particularly offensive, and no amount of glossy magazines or pomp and ceremony can disguise the inherent prejudices that are part of the monarchy.

Thirdly, this bill repeals the United Kingdom's Royal Marriages Act 1772, which voids the marriage of any decedent of King George II who fails to obtain the consent of the monarch on the marriage before the marriage. We are in the twenty-first century and, again, the very notion that people need to get someone's approval to marry is just ridiculous. We are told that the UK Royal Marriages Act 1772 will be replaced with a requirement that only the first six persons in the line of succession must obtain the consent of the monarch before marrying. It is absolutely laughable that the first six people in line to the throne still have to get the consent of the monarch before they can marry. In a modern society, marriage is supposed to be a union freely entered into by two people who love each other. It is an absolute nonsense that a person who is sixth, fifth, fourth or third in line for the throne has to get the consent of the current monarch before marrying. I take issue with anyone who says that the Succession to the Crown Bill is about modernising the monarchy. By its very nature, the monarchy is the opposite of democracy. At best, we are tinkering with what is still a very outdated institution.

As I said, I am a republican. I am a republican for two principal reasons: one is that I think we should have an Australian as head of state. That is a view shared by many people, if not the majority, in this country. If we are a country that stands as an independent nation and takes its place within the world, the idea that our head of state would be someone from another country, and a monarch at that, whom we have no say in the selection of that person, is such an outdated notion that I believe it is time to change. I very much hope that at some stage in the not-too-distant future we will get to a position where we have an Australian head of state.

The second reason I am a republican is the monarchy itself is a very powerful symbol that some people in our society are better than others, not because they have a kinder heart or are more intelligent, and not because they are more generous of spirit, but simply because of who their father and mother is. The notion that someone is better than someone else because of their birthright is something that I find unacceptable in a modern society. In a democracy we are all supposed to be born equal. Hopefully, in a democracy we all have access to equal opportunities as far as education and health and the like, but to have as part of that the person sitting at the top of the tree, our most senior person in government, someone who did not get there because they are the smartest, kindest or the most hardworking, but who are there because of who their parents are, is an outdated and, quite frankly, offensive notion.

People will say that we are a constitutional monarchy only; we still have a democratically elected government by convention. Some say the fact that it is passed down through a system of hereditary line of succession does not really matter because it does not have an impact on people and it does not affect our lives in Australia as an egalitarian democracy and the like. I dispute that. Symbols are important, whether it is our flag, our national anthem, our system of honours, our system of government or whether it is the selection of who is to be our head of state. All these things are powerful symbols. Symbols in our community play a very special role, whether one wears the jumper from their football club or it is the faction a student is in at primary school. All these symbols are important and have an impact on people as they grow up. I keep going back to this: the fact that the most important person at the top of our government tree is someone who gets there because of their birthright is simply not acceptable.

For those reasons, although the Labor Party supports the Succession to the Crown Bill 2014, I have grave misgivings about our continued position as a monarchy. In having this debate, people say, “But the Queen is a lovely woman; she’s doing a fantastic job. Prince this or Princess that, don’t they work hard?” This is not a debate about what I personally think of any individual member of the British royal family. I do not pass judgement on this issue because I think the current Queen is good or bad, or a hardworking member of the royal family or not; it is a matter of principle. If the Queen ever found the time, I would be very happy to meet her. She could come to my house and have a cup of tea and I am sure we would get on famously, but that is not the point. She is a woman who has got where she has arrived at not because she was selected through any democratic process or any merit selection process, but purely and simply because of who her parents were. To me, that is fundamentally unacceptable.

[Member’s time extended.]

Mr D.J. KELLY: I was listening on the radio today. I forget the context in which the comment was made but they were talking about what one does in life. A caller phoned in and said, “Whatever you choose to do in life, make sure you have fun while you do it.” To illustrate some of the points I have raised, if I may indulge the house I will quote from scene 3 of *Monty Python and the Holy Grail*. It is quite lengthy. It is a scene in which Dennis the peasant, played by Michael Palin, meets King Arthur, played by the late Graham Chapman. Dennis’s mother, played by Terry Jones, is also in the scene. King Arthur rides up behind Dennis, who is crawling around in the mud. I quote scene 3 —

> ARTHUR: Old woman!
>
> DENNIS: Man!
>
> ARTHUR: Old Man, sorry. What knight live in that castle over there?
>
> DENNIS: I’m 37.
>
> ARTHUR: What?
>
> DENNIS: I’m 37—I’m not old!
>
> ARTHUR: Well, I can’t just call you ‘Man’.
>
> DENNIS: Well, you could say ‘Dennis’.
>
> ARTHUR: Well, I didn’t know you were called ‘Dennis’.
>
> DENNIS: Well, you didn’t bother to find out, did you?

ARTHUR: I did say sorry about the 'old woman', but from the behind you looked—

DENNIS: What I object to is you automatically treat me like an inferior!

ARTHUR: Well, I AM king—

DENNIS: Oh king, eh, very nice. An' how'd you get that, eh? By exploitin' the workers, by 'angin' on to outdated imperialist dogma which perpetuates the economic an' social differences in our society! If there's ever going to be any progress—

WOMAN: Dennis, there's some lovely filth down here. Oh how d'you do?

The woman is Dennis's mother —

ARTHUR: How do you do, good lady. I am Arthur, King of the Britons. Whose castle is that?

WOMAN: King of the who?

ARTHUR: The Britons.

WOMAN: Who are the Britons?

ARTHUR: Well, we all are. We're all Britons and I am your king.

WOMAN: I didn't know we had a king. I thought we were an autonomous collective.

DENNIS: You're fooling yourself. We're living in a dictatorship; a self-perpetuating autocracy in which the working classes—

WOMAN: Oh there you go, bringing class into it again.

DENNIS: That's what it's all about, if only people would—

ARTHUR: Please, please, good people. I am in haste. Who lives in that castle?

WOMAN: No-one live there.

ARTHUR: Then who is your lord?

WOMAN: We don't have a lord.

ARTHUR: What?

DENNIS: I told you. We're an anarcho-syndicalist commune. We take it in turns to act as a sort of executive officer for the week.

ARTHUR: Yes.

DENNIS: But all the decisions of that officer have to be ratified at a special biweekly meeting.

ARTHUR: Yes, I see.

DENNIS: By a simple majority in the case of purely internal affairs—

ARTHUR: Be quiet!

DENNIS: —but by a two-thirds majority in the case of more—

ARTHUR: Be quiet! I order you to be quiet!

WOMAN: Order, eh—who does he think he is?

ARTHUR: I am your king!

WOMAN: Well, I didn't vote for you.

ARTHUR: You don't vote for kings.

WOMAN: Well, 'ow did you become king then?

Arthur replies, getting all important —

The Lady of the Lake,

[angels sing]

her arm clad in the purest shimmering samite, held aloft Excalibur from the bosom of the water signifying by Divine Providence that I, Arthur, was to carry Excalibur.

...

That is why I am your king!

> DENNIS: Listen—strange women lying in ponds distributing swords is no basis for a system of government. Supreme executive power derives from a mandate from the masses, not from some farcical aquatic ceremony.
>
> ARTHUR: Be quiet!
>
> DENNIS: Well you can't expect to wield supreme executive power just 'cause some watery tart threw a sword at you!
>
> ARTHUR: Shut up!
>
> DENNIS: I mean, if I went around sayin' —

This is to the Premier —

> I was an emperor just because some moistened bint had lobbed a scimitar at me they'd put me away!
>
> ARTHUR: Shut up! Will you shut up!
>
> DENNIS: Ah, now we see the violence inherent in the system.
>
> ARTHUR: Shut up!
>
> DENNIS: Oh! Come and see the violence inherent in the system! Help! Help! I'm being repressed!
>
> ARTHUR: Bloody peasant!
>
> DENNIS: Oh, what a giveaway. Did you hear that? Did you hear that, eh? That's what I'm on about—did you see him repressing me, you saw it didn't you?

The scene ends as King Arthur rides off in disgust. I think it is one of Monty Python's best bits of writing. I do not do it justice, but it illustrates how ludicrous some of the notions of the monarchy really are. The whole idea that the monarch is someone ordained by divine providence to rule is a notion that surely is completely outdated in the twenty-first century. That is really what the monarchy is all about; when we strip it to its barest bones, the idea that the monarch is someone chosen by God to rule is just ridiculous. No matter how we dress up the monarchy and the system around it, it is the complete opposite of the democratic principles that we say we hold dear in a country such as Australia.

I want my children to grow up in a society in which they not only can aspire to be the head of state or hold the highest office in the land, if their peers elect them, but also are judged not by who their parents are but by what sort of person they are: Are they a good person? Are they a kind person? Are they a generous person? Are they a person who shares? Are they a person who works hard? They are all the values that I think should be front and centre in our society, whatever position we are electing. The whole notion that our head of state is someone who is chosen with no regard to any of those things but simply based on someone's birthright should not be part of our society. It is not a society in which I want my children to grow up. Until we are a republic in which those values of merit selection are enshrined at all levels of government, we will not have done the job. Although the three amendments that this bill makes to the way that the monarch is chosen are improvements, I wish we were here doing the job properly. It is like putting rubber tyres on a horse and cart; it is still a horse and cart. In the twenty-first century we should not have institutions based on notions of hereditary lines and rules around them concerning religious beliefs. None of those things should apply. Although we on this side of the house will support this bill, I would much prefer we were here doing something more important. In my view, it is not possible to modernise the monarchy; the whole notion is something that is fundamentally undemocratic.

MR C.J. TALLENTIRE (Gosnells) [3.56 pm]: It is with great difficulty that I rise to speak to the Succession to the Crown Bill 2014. In some ways this legislation seeks to legitimise the constitutional monarchy arrangements by making amendments, such as making it so that the firstborn of the current monarch will succeed to the throne regardless of their gender. It does that by altering the arrangements around the religious affiliation of the spouse of the monarch or intending monarch and changing the arrangements for who authorises, if not ordains, the right of marriage for someone who may be up to sixth in line to the throne. Those amendments are perhaps an improvement, but we still have a gaping hole in the side of our otherwise meritocratic society if we allow the continuation of a constitutional monarchy. A constitutional monarchy does not enable the fulfilment of individuals if there is this discrepancy between some who may be entitled to the position of monarch—very few people are entitled to that position—and the vast majority of us who will never be in consideration or in line for that position. We are faced with improving something that is very bad, and that is not a pleasant situation for legislators to be in.

In the short time remaining of this session, I want to say a bit about someone's religious affiliation not being an impediment to that person becoming the future monarch. Being someone's spouse is only one part of it. What about someone's religious affiliation and their choice? I gather the situation is complicated by the fact that the

head of the Church of England is notionally the reigning monarch in the United Kingdom. To me, that seems a very weird conflation of church and state. I am proud that we have a secular society that does its best to keep matters of church and state separated. However, the situation with the Crown in the United Kingdom is that a person has to be of a certain religious affiliation to become the monarch.

Debate adjourned, pursuant to standing orders.