

## **EXPLANATORY STATEMENT**

Issued by the authority of the Parliamentary Secretary to the Prime Minister

*Succession to the Crown Act 2015*

*Succession to the Crown Commencement Proclamation 2015*

Items 3 and 5 of the table in subsection 2(1) of the *Succession to the Crown Act 2015* (the Act) provide that Parts 2, 3 and 4 of, and Schedule 1 to, the Act, are to commence at a time and day, or times and days, to be fixed by Proclamation.

The purpose of the Proclamation is to fix the beginning of 26 March 2015 as the time and day on which Parts 2, 3 and 4, and Schedule 1 of the Act commence.

The Act is intended to change the law relating to royal succession and royal marriages, and for related purposes.

The Commonwealth consulted with the States and Territories through the Council of Australian Governments. The Parliaments of the States of Australia requested that the Parliament of Australia, pursuant to section 51 (xxxviii) of the Constitution, enact an Act in the terms of the *Succession to the Crown Act 2015*.

The Act will change the law relating to the effect of gender and marriage on royal succession consistently with changes being made to that law in the United Kingdom. These changes will ensure that the same person is the Sovereign of Australia and of the United Kingdom.

The Act will give effect to Australia's commitment to change the rules on succession to the Crown in accordance with the agreement on 28 October 2011 of the United Kingdom and the other Commonwealth Realms of which Her Majesty the Queen is Head of State.

The Act will end the system of male preference primogeniture so that in future the order of succession will be determined simply by order of birth; remove the statutory provisions under which anyone who marries a Roman Catholic loses their place in the line of succession; and limit the requirement that the Sovereign consent to the marriage of a descendant of his late Majesty King George the Second to the six persons nearest in line to the Crown and validate some marriages voided by the Royal Marriages Act 1772 of Great Britain.

The Proclamation is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*. The disallowance provisions of the *Legislative Instruments Act 2003* do not apply by application of item 42 of subsection 44(2) of that Act. Accordingly, a human rights statement of compatibility is not required.

Authority: Subsection 2(1) of the *Succession to the Crown Act 2015*