

Mr Chris Tallentire; Dr Tony Buti; Mr Bill Johnston; Mr David Templeman; Ms Andrea Mitchell; Acting Speaker; Mr Roger Cook; Mr Colin Barnett; Ms Margaret Quirk; Mr Peter Abetz; Mrs Glenys Godfrey; Deputy Speaker; Mr John Day

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## SUCCESSION TO THE CROWN BILL 2014

### *Second Reading*

Resumed from 22 October.

**MR C.J. TALLENTIRE (Gosnells)** [7.01 pm]: I rise to resume my contribution to this debate on the Succession to the Crown Bill. Before I proceed, though, I want to place on the *Hansard* record my congratulations to the newly sworn-in member for Vasse. I note that the name “Vasse” comes from a sailor who came to grief on the shores around Geographe Bay in 1801. I believe his name was Thomas Timothée Vasse, and he hailed from what I believe was the republican stronghold of Dieppe in northern France. So there is a connection there—a republican stronghold. I understand that in recent times, the town of Dieppe has been represented in the French Parliament by members of the Communist Party. So no doubt the new member for Vasse will be able to continue the revolutionary lineage that we know of that extends to the name “Vasse”.

**Dr K.D. Hames:** I’m sure she will be true to her roots.

**Mr C.J. TALLENTIRE:** The republican roots of the Vasse electorate indeed, Deputy Premier.

When I began my speech on this legislation some months ago, I expressed a degree of unease about how I would proceed, given that I am very much a republican and I am very proud to be a member of a political party that is staunchly republican in its ethos and view of things. We believe in achievement. We believe in rewarding people on a meritocratic basis. Yet here we are being asked to modernise a constitutional monarchy arrangement that is anything but a meritocratic system. It is a system that gives great power and great fortune to people who acquire their position by dint of their birth, and that is something that I find repugnant.

**Dr K.D. Hames:** Then how do you explain the policy of the Labor Party on the number of females that you need to have in Parliament?

**Mr C.J. TALLENTIRE:** If the Deputy Premier wants to debate affirmative action, I suggest he brings that on as separate issue.

**Dr K.D. Hames** interjected.

**Mr C.J. TALLENTIRE:** I think that the whole issue of a constitutional monarchy, and its failure to respect what I think is the Australian view of things—the Australian desire for a meritocratic society—is something that the Deputy Premier needs to clarify in his own mind.

**Dr K.D. Hames** interjected.

**The ACTING SPEAKER (Ms J.M. Freeman):** Minister, I call you for the first time.

**Mr C.J. TALLENTIRE:** Thank you, Madam Acting Speaker.

I see this legislation as an attempt to modernise something that is very ancient and something that is, after all, an anachronism. Our constitutional monarchy is an anachronism, because it is anything but a system based on meritocracy, and that is what I think Australians would like to see

This bill is an attempt to modernise and bring this old, old system of constitutional monarchy into the current century. For the benefit of the house, I will go over the arrangements that are proposed in the bill. The members who contributed to this debate some weeks ago went into detail on this, and did the job extremely well. But for the purpose of today’s debate, it is important that I outline again the three key points that are dealt with in this bill. The first is to remove the rule of male preference over females in the line of royal succession. That means that the firstborn of the reigning monarch will, regardless of gender, become the next monarch.

The second is to remove the rule disqualifying a person from succeeding to the Crown or from being the sovereign if they marry a Roman Catholic. I believe that sits uneasily with many Australians, given that many of us have a Roman Catholic background. That bit of history will be improved such that a monarch who marries a Roman Catholic will not be disqualified from maintaining their position as the monarch. However, I seek some clarification from the Premier, who I believe has carriage of this bill. I believe that the reference to Roman Catholic is necessary because there was a rather pointed reference in the legislation that said Roman Catholics are excluded—the monarch cannot be married to a Roman Catholic—but if the monarch is married to someone from one of the other great Abrahamic faiths, that is acceptable. I seek the Premier’s clarification on that. I understand that with the passage of this legislation, if young Prince George, the first child of Prince William and Princess Kate, were to marry, say, a young Jewish girl, or a young Muslim girl, he would not forfeit his right to be monarch of the United Kingdom and King of Australia and king of any of the other countries that are involved in this very British monarchy arrangement.

**Extract from Hansard**

[ASSEMBLY — Tuesday, 11 November 2014]

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The third point is to repeal the Royal Marriages Act 1772 of the United Kingdom. I find it odd that when we go into the detail of this legislation, we are required to refer to an act of Parliament that is on the statute books of the United Kingdom, not Australia. But, anyway, we have to deal with this anachronistic set of arrangements. It is proposed to replace the Royal Marriages Act with the requirement that only the first six persons in the line of succession must obtain the consent of the sovereign before they marry. Could any one of us in this chamber envisage that situation? Imagine what it would be like to have to consult with a member of one's family before seeking someone's hand in marriage? I do not think it is in keeping with modern Australian society to put that sort of requirement on people. The proposal is to replace the requirement for the first six people in line of succession to obtain the consent of the sovereign before they can marry, and to validate certain marriages made void under the Royal Marriages Act. Although this is an attempt at modernisation, the reality is that this legislation highlights just how outdated and anachronistic the constitutional monarchy really is.

I want to explain a little about why I think the constitutional monarchy serves Australia so badly. I know that there are many people who would say that it is not a bad system and that in fact it has served us well. I also know that there are many in the community who have a great fondness for the reigning monarch, and I respect that, but I think we have to face up to the areas in which this system is not serving us well. One such area is the international stage. There are many international events at which there is a requirement for a nation's head of state to represent the nation. The option is given to countries to be represented by their head of state or to be in the second level of representation and have the head of government represent the country. This situation is fudged a little in the Australian media. People talk about national leaders' meetings, such as the G20 event. The media refers to G20 members as "national leaders", but in many other countries a clear distinction is made between the head of state and the head of government. Indeed, the United Kingdom itself constantly makes that distinction. The United Kingdom is represented at the G20 by the head of government, currently David Cameron; we will not see the head of state of the United Kingdom at the G20 in Brisbane over the coming days. Because the focus of the G20 is economic and trade matters, it is perhaps appropriate for heads of government to represent the various countries, but there are other times when it is entirely appropriate for a nation to be represented by its head of state. Unfortunately, Australia's head of state never represents only Australia. In other words, there are many international events at which Australia is perhaps represented by the Queen of England, but she is actually there to represent the United Kingdom, so we are not properly represented. We do not get the full head of state level of representation, and that sells Australia short in trade, diplomacy and influence in other countries.

Another situation is when countries have head-of-state visits. The protocols around a head-of-state visit are entirely different from the protocols around a head-of-government visit. I want to talk about how some European countries view head-of-state visits, bearing in mind that Australia has never had a head of state visit, for example, the French capital, Paris. We have never had bestowed upon us the honour of the French and Australian flags intertwined along the Champs Élysées; that is the head-of-state treatment that is normally given to a country when a head of state visits. We have never had that, because we have never actually had a head of state visit that country. I expect the same situation would apply in most of the EU nations; we miss out on receiving head-of-state treatment. Our head of government visits those nations, but a head of government does not get that same level of profile, which simply means that we do not have the level of recognition we are duly entitled to. It is quite rare for Queen Elizabeth II to visit other European nations, but when it happens, it is certainly given an almighty fanfare, as indeed it should, but she is there to represent the United Kingdom. She does not visit other nations representing Australia.

Australia is sold short by our current constitutional monarchy arrangements, and that is a real shame. It means that we miss out and it means that our national identity is not fully understood by other countries. It means that other countries are in some confusion about Australia's status. Are we simply a colony of the United Kingdom because we have the same head of state as the United Kingdom? That is a question that comes up very often when I talk to people from other countries, especially those from a European background. I cannot say that I have tested this out with people from the United States. I am not sure what their view of things would be, just as I am not sure what the position of people in South American countries might be, or what the views are in South-East Asia or the Middle East, but I do know from experience that in Europe, where there is a fairly well-informed populace, the general misunderstanding is that because the Queen of the United Kingdom is Australia's head of state, Australia must somehow be a colony of the United Kingdom. It is a terrible misunderstanding and it really does suggest that our identity lacks clarity. There is an ambiguity about our identity.

I have pointed out why I think the constitutional monarchy is bad for Australia, and I would also like to quickly say that as much as the British people may benefit from having a high-profile head of state who attracts a lot of attention when she visits other nations, I do not know whether they are particularly well served by the

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constitutional monarchy either. Whenever I have had occasion to visit the United Kingdom, it has struck me that its entrenchment of the class system stems from the fact that it has such a position of inherited power in a monarch. It is a pyramid with the reigning monarch at the top, then the aristocracy with their peerages and various inherited titles, and it then cascades down through an entire class system. I do not think that is healthy for any society. I return to my previous point that a meritocratic society is what really enables human beings to fulfil their ambitions—a society in which hard work, talent, and good, honest effort is rewarded. That is where human beings find the greatest fulfilment and it is the most equitable, fairest system that we have come up with. That is what we should be striving for, and nothing that resembles any of those things is delivered by a constitutional monarchy.

For those who believe that the British monarchy regards Australia with nostalgia and fondness, I want to refer to a book compiled by Lady Antonia Fraser.

**DR A.D. BUTI (Armadale)** [7.18 pm]: It is a shame that the member for Gosnells' time has expired because I was very much enjoying his contribution. I would like to start off by acknowledging and congratulating the new member for Vasse, and it is interesting to consider how she entered this chamber. She entered it through a democratic process and there were no barriers to her becoming the member for Vasse as a result of having an older brother or of being a Catholic. I am unaware of what religion she is, and it is actually irrelevant. It is great that she got here through a democratic process regardless of her gender or religious faith, if indeed she has any religious faith whatsoever.

The Succession to the Crown Bill 2014 has two components. Currently under the law males succeed to the Crown ahead of any female in the line of family inheritance and the monarch is forbidden from marrying a Roman Catholic. Those things will be removed under this bill. Of course, the monarch must still not be a Catholic, but they will be allowed to marry a Roman Catholic, because the monarch is head of the Church of England. I know that there would be difficulty if one were a Catholic and the head of the Anglican Church, but the solution is to make a divide. That is what should be done: there should be a separation between the head of a nation and the head of the church and that would be the way around that difficulty. Even the Deputy Prime Minister of Great Britain has said that the current laws are from a bygone era. He is not, of course, saying that he believes that there should not be a monarchical system in Britain, but that the current laws that prevent the monarch from marrying a Catholic or prevent a female succeeding to the throne ahead of a female should be abolished.

The member for Gosnells mentioned the representation of the head of state of Australia. Former Prime Minister Gough Whitlam changed the situation slightly by ensuring that when the Queen is in Australia, she is the Queen of Australia and not the Queen of England. However, when she is outside Australia, she is the Queen of England or the Queen of the UK. At international meetings, the Queen does not represent Australia, she represents the UK, and her first duty is to the UK. It seems absurd that at an international meeting at which heads of states are present, our head of state, the Queen, does not represent Australia; her first interest is the UK. That is who she represents. She represents the UK and not Australia. I think it is amazing that people think that is appropriate. During the republican debate before the last referendum on a republic, people still believed that the current arrangements serve Australia well. They do not serve Australia well on the international stage. It is also interesting that former High Court Justice Michael Kirby is a monarchist. Many on the conservative side may think that is strange because many of them were no great fans of Michael Kirby, but he is a monarchist and a firm believer in the Anglican faith. I remember that he once said that the monarchy has served us well, it serves countries of the commonwealth well, and by having a monarch we have had a stable institution et cetera. I do not think Fiji has, and the Queen was also the Queen of Fiji! The monarchy did not serve that country well. It is not queens or kings that bring stability to nations that are 20 000 kilometres away from England; it is the people and institutions of that state. The Queen does not make Western Australia a stable political system; it is the people who make a stable system. It is the body politic and the community, not the monarch. I must say in that respect that the great dissenter of the High Court, Justice Kirby, was speaking in a very surprising manner for someone of his legal intellect. Australia is a modern, mature and confident nation. Why does it need as a head of state someone who lives 18 000 kilometres away?

It was said previously that Canada was a republic, but that is not the case. As we know, Canada is a constitutional monarchy, like Australia. In Canada, the republican movement does not really exist. Canadians are very strong monarchists, and to understand that we have to look at Canada's history. From my understanding of Canada—I have a lot of relatives in Canada and I have been there many times—Canada's proximity to the US is one factor that makes it a strong monarchical system. The other factor is the Quebec non-French situation in Canada. Canadian people are concerned about a possible separation of Quebec and its association with the US,

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and that is why Canadians have remained very strong believers in the British constitutional monarchical system. Even Canadian First Nations people are very generally strongly committed to the Queen. Australia has a different history, and there are some Indigenous people in Australia who are strong monarchists also, but I cannot understand why we in our modern political situation continue to support a monarchical system in which the head of state lives in the UK.

However, that is the system we have. We as the Parliament of Western Australia are unable to change that system; that requires a referendum at the national level. As we know from previous referendums, unless both sides of politics generally support it, it is unlikely to succeed. It has to be said that at the last referendum the Prime Minister of the day, John Howard, a strong supporter of the monarch, was very clever and he outfoxed the republican movement by dividing the republican movement between those who wanted a directly elected leader from those who just wanted a change so that rather than the Governor-General being appointed by the executive, it was an appointment of a head of state who did not have ties to the British monarch. So be it; that opportunity was lost and we will have to see what happens in the future. At the moment, as a strong republican, I have to say that the mood has not improved since the last referendum, but we will see what the situation is in that respect when the current reign comes to an end.

The bill seeks to improve the current situation, which is sexist and bigoted. It will still remain bigoted in the sense that a Catholic cannot become a head of state, but at the moment the monarch cannot even marry a Roman Catholic and, of course, a male heir takes precedence over a female heir.

I want to talk a little about the role of women in history. It is interesting that since the arrival of the First Fleet in Australia in 1788 there have been more kings than queens, but the six kings have barely reigned for a collective 100 years, whereas the queens have reigned for 126 years. It is important to look at the role of women in history to show how absurd and sexist the monarchical system has been. I then want to talk about the so-called great English monarchs, and a BBC survey in which two out of three people voted for female monarchs. The Succession to the Crown Bill 2014 seeks, as I said, to try to remove the sexist discriminatory nature of the current system. There were three prominent women in history by the name of Mary, Phoebe and Sophia. Let us start off with Mary. As one would know if one believes in the Christian biblical story, on the third day after the Crucifixion, Jesus wanted to tell his apostle that he had risen. Who did he ask? It was a female that was very prominent in that period of the existence of Jesus. Mary Magdalene went back to the tomb because there was work to be done, and that is where Jesus found her. So it was reliable Mary to whom he turned to get the message out about his Resurrection. Not only that, Jesus also gave her the task of getting the 11 remaining apostles into one room so that he could talk to them altogether. Mary therefore can claim to have the status of a risen Christ's first apostle. But what did the men do? From that moment on, they wrote her out of the history of Christianity.

Then there was Paul, and history recalls that he was the single most influential person in taking Christianity to the wider world.

**Mr W.J. Johnston:** I've been to Ephesus.

**Dr A.D. BUTI:** Have you? That is very good.

Paul had an important epistle that he wanted to get to the Romans but, of course, that was not written in Rome. Who did he seek out to transport the letter to Rome? He gave it to a female, his deacon Phoebe, because he knew she would get the job done. Phoebe gets a mention in the afterword of the letter but that is all we hear about her, and the men did not thank her for her achievements. From Rome, Paul's record of Christ's ministry becomes the foundation of Christianity, the foundation of our morals, our government and our laws that men have used variously for good or for evil.

Then let us stop off in the first half of the sixteenth century and talk about King Henry VIII before we move on to our third female, Sophia, in 1701. Henry, the marrying monarch, was a very vain sort of creature. Some people say that all men are vain!

**The ACTING SPEAKER (Ms J.M. Freeman):** Ha-ha!

**Dr A.D. BUTI:** Madam Deputy Speaker, you should not be agreeing with what I am saying!

**The ACTING SPEAKER:** "Acting Speaker" is fine.

**Dr A.D. BUTI:** Henry VIII desperately wanted a male heir, so he was definitely sexist. He was adamant that a daughter would not be strong enough to ensure the continuation of the Tudor dynasty; nor, he claimed, could a daughter safeguard the tenuous peace that followed the War of the Roses. Hence he insisted on annulling marriages that did not produce the son he wanted.

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[Member's time extended.]

**Dr A.D. BUTI:** His eagerness for annulments, of course, got him offside with the Pope. Of course, we know what happened. Henry said goodbye to the Church of Rome and started an English church, and Crown succession always preferred the male in the inheritance over a female.

Then we move to 1701 and the Act of Settlement, which is when we meet Sophia. The Act of Settlement came about because King William III and Queen Mary II could not produce any children who survived. Mary's sister, Queen Anne, also failed to produce a future monarch. As the rest of the members of the House of Stuart were all Roman Catholics, Sophia was to be the saviour. It is somewhat of a beautiful irony really: a woman was to save the day for the kingdom of Great Britain with a preference for male heirs. A fervent Protestant, Sophia of Hanover—to bestow her former title—provided the preferred male heir, who became King George I upon the death of Queen Anne in 1714. However, Sophia died on 8 June 1714 and Queen Anne died a couple of months later, on 1 August. So, poor Sophia: fate had intervened to deprive yet another woman of the enjoyment of her moment of triumph, although in this case the triumph would have been the reflected glory of her son's succession to the Crown.

This abridged narrative of male preference at the level of Crown succession is not just an academic or remote issue today; its consequences have flowed down through the legislature and law, and arguably have influenced the attitude of both toward the status of women, especially in marriage. Let us consider, for instance, the nineteenth century legal fiction of coverture. It is a legal fiction that has a presumption that the court adopts for convenience, for consistency or to achieve justice. Legal scholar Kristin Kalsem writes that, in law, coverture takes as its basic premise that, by marriage, the husband and wife become one person. She records that because the husband was deemed responsible for the wife's behaviour, the law provided him with the power to restrain her by domestic chastisement. Under coverture, a woman exchanged her freedom for a life of protective cover.

What is more, William Blackstone, who was a famous jurist, tells us that if the wife remained ungrateful of this care and protection, even after domestic chastisement —

... the courts of law will still permit a husband to restrain a wife of her liberty, in case of any gross misbehaviour.

He ends his observation as follows —

These are the chief legal effects of marriage during the coverture; upon which we may observe, that even the disabilities which the wife lies under, are for the most part intended for her protection and benefit. So great a favorite is the female sex of the laws of England.

Of course, as we know, that is a fiction.

Kalsem also records that it took women writers such as Emily Brontë, Mary Ann Evans and others working outside the law to bring some changes to the law. Members may ask—I can see they are all about to ask—who is Mary Ann Evans?

**Mr R.H. Cook:** Member, who is Mary Ann Evans?

**Dr A.D. BUTI:** Thank you very much, member for Kwinana. Mary Ann Evans used a male pen-name, not unlike J.K. Rowling to some extent. Her pen-name was George Eliot. Women writers, especially those using the medium of the novel, helped to shine a light on the evils of the legal fiction of coverture and they were instrumental in bringing about changes through the Married Women's Property Act of 1870. Following that act in 1870, the Matrimonial Causes Act of 1878 gave women some protection from domestic abuse. The act might have endowed women with a measure of dignity, but they were still a long way short of being equal in marriage. However, nothing might have changed at all had it not been for women writers helping to remove from society this immoral and unethical legal fiction by using methods beyond the domain of law. Yet in a speech in 2013, Sir James Munby, president of the Family Division of the High Court of England and Wales, said that judges —

... 'happily' no longer had a role in enforcing morality, unlike in the past.

He added —

... the last few years had seen the 'disappearance, in an increasingly secular and pluralistic society, of what until comparatively recently was in large measure a commonly accepted package of moral, ethical and religious values'.

And he welcomed their disappearance from the court's deliberations. The courts might therefore welcome not having to consider moral and ethical issues, but I do not think that we as parliamentarians have that luxury. We do need to consider moral and ethical issues, and we have to consider issues of justice. We on this side of the

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house, as part of our foundations, also have an egalitarian principle. I am not saying that members on the other side may not also, but it definitely is an expression that we observe on this side of the house.

That is a potted history of how women in history have been incredibly influential in spreading Christianity and have been written out of history, and actually in many respects saved the British monarchy.

In my remaining contribution, I turn to this survey of England's greatest monarchs. It states —

**Who was the greatest king or queen of England? Three historians make the case for Henry VIII, Elizabeth I and Victoria ...**

People were asked to vote. Of the 20 605 votes cast, Queen Elizabeth I received 48 per cent of the vote, Queen Victoria 19 per cent, King Henry VIII 13 per cent, and others received 19 per cent.

Let us look at these three monarchs. Henry VIII was of course responsible for the Reformation in England and founded the Church of England, with himself as its supreme head. He is very similar to someone in this Parliament in the way he operates as a law unto himself and is the supreme emperor. I am sure members can work out who that may be. King Henry VIII achieved many things. He promoted parliamentary government by extending representation and expanding the privileges of both houses; he enhanced the standing of the monarchy and helped create a new sense of national identity; he overhauled the machinery of the state, introducing progressive and efficient taxation schemes; he created the most magnificent court in English history; he patronised arts to lasting effect and popularised the art of portraiture; and he built or remodelled 70 palaces and erected fortresses along the south coast. He was also the first king to authorise the translation of the Bible into English.

It is stated about Elizabeth I —

The England she inherited was described by one of her own agents as “a bone between two dogs”—France and Spain. Few believed then that she (a mere woman ...) could hold the throne without tying the country to some greater power.

However, she reigned solo for 45 years and left a realm sure of its place in the world, with the confidence only half a century of stability could give. This rule had seen the expansion of its interests, the securing of its borders and the regularisation of its currency, as well as the great flowering of the Renaissance.

It is stated about Victoria —

In 1837 Victoria inherited a throne toppling on the edge of extinction. The crown was in disrepute, while mounting public and parliamentary demand for constitutional change threatened to sweep the monarchy away. Victoria ... responded to the challenge by adapting her role to the modern age. Rather than dictate policy, she sought to encourage, occasionally to caution, her ministers in their business whilst preserving the mystique of her position. Above all, she desired to rule for the people rather than over them. No sovereign has studied their function more closely or worked harder. Victoria transformed the monarchy from a remote, absolutist concept into a public institution which still thrives.

One could probably argue that the current head of the United Kingdom—she is head of Australia all the time but she is only called the Queen of Australia when she is in Australia—has done something in recent times to restore faith in the British royal system. It really is absurd that we even have to debate this piece of legislation. When this legislation is passed, it will remove some of the sexist nature of the monarchical system and some of the bigotry, but of course not completely. When we wake up the day after this bill receives royal assent, our head of state will still be someone who lives in London and holidays in Scotland.

It is of course up to the people of the British Isles how they want to operate. There is no doubt there is very strong support in the UK for the Queen and the royals. A lot of that is based on tradition. I always find it difficult when I see Buckingham Palace, in the centre of London, which would be worth a phenomenal amount—Madam Acting Speaker (Ms J.M. Freeman), I can hear a bit of noise. The attendant is on the phone; that is okay. I thought that might have been the Queen calling me, but it is not! In London, there are homeless people a street away from Buckingham Palace, which has all these rooms. I am not blaming the royals for homeless people in England, but it seems absurd that so much wealth is concentrated in a family that enjoys their privileges because they are born into it. I am not saying that it is not a very difficult job for some of the royals —

Several members interjected.

**Dr A.D. BUTI:** I will give the current Queen some plaudits. During the reign of Margaret Thatcher, who of course was democratically elected and did not get there because of her birth right—far from it —

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**Mr R.H. Cook:** You have their attention now!

**Dr A.D. BUTI:** Now they are getting excited! Of course, we know the history of Margaret Thatcher; the daughter of a shopkeeper. I have a very interesting story. My mother-in-law —

Several members interjected.

**Dr A.D. BUTI:** This is really interesting.

**Mr D.A. Templeman:** Your mother-in-law wasn't Margaret Thatcher, was she?

**Dr A.D. BUTI:** She came from the town next to Grantham—where Margaret Thatcher is from—which, interestingly, was voted the most boring town in the UK a few years ago. My mother-in-law went to school in Grantham. After school, she would go to the shop that Margaret Thatcher's dad owned and ask for some boiled lollies. It would cost her threepence or thereabouts. Her father would weigh the boiled lollies and if one of the lollies took the weight over how much money she had, he would cut the boiled lolly in half! I think that shows how she managed the British budget—it was done in a very precise, inflexible way.

Getting back to Margaret Thatcher and the Queen, as we know, they had terse words to each other because the Queen was concerned about Margaret Thatcher's unsupportive stance against apartheid in South Africa. Margaret Thatcher would not support economic and sporting boycotts against South Africa, causing great tension within the commonwealth. Obviously, I was not at the conversation, but the Queen —

**Mr R.H. Cook:** You were in the room next door!

**Dr A.D. BUTI:** I was next door eating my boiled lollies!

The story is that the Queen was very concerned that Margaret Thatcher's stance on apartheid was putting the commonwealth at great risk. As we know, at the 1986 Commonwealth Games in Edinburgh there was a major boycott —

**Mr W.J. Johnston:** As there was in 1974 in Christchurch.

**Dr A.D. BUTI:** Yes, in Christchurch as well.

At least the Queen on that occasion had superior moral judgement and compass to that of Margaret Thatcher. I can attack the Queen here, I am sure, but I cannot attack Margaret Thatcher with my conservative colleagues over the other side! Whatever people think, the monarch has no place in modern-day Australian society. While we do have it, we have to deal with what we have. At least this bill makes some minor improvements on the current sexist, bigoted nature of the arrangements that we as parliamentarians serve under.

**MR W.J. JOHNSTON (Cannington)** [7.48 pm]: I rise to make some remarks on the Succession to the Crown Bill 2014.

**Mr J.M. Francis:** As a Catholic.

**Mr W.J. JOHNSTON:** I am going to make my remarks as a Catholic, absolutely. I make the point that the symbols of our nation are important. We are told that regularly by conservative commentators. I will make some comments about the symbols and people's views. I want to start by saying that my mother—rest in peace—was a lifetime republican. However, equally, she held Queen Elizabeth II in high regard, although all my Scottish friends point out that she is the first Queen Elizabeth, because Queen Elizabeth II was the first queen of Scotland; Queen Elizabeth I was queen only of England, not of Scotland. Leaving that detail aside, there is no question that the Queen has been a unifying symbol for the people of Great Britain and, indeed, for Australians during the war. The princesses royal served their country during the war. Obviously, it was not in a front-line capacity; we would not have expected that in any circumstance, but these women left the palace and helped the community. I suppose some of the pressures that their uncle had created for the English monarchy in the pre-war period and perhaps the character of King George VI led to both princesses playing a role with the people of England during World War II. Indeed, there is no question that when the Queen visits Australia, she is a very popular figure in the community, and we saw that during her recent visit to Perth for the Commonwealth Heads of Government Meeting. I make positive remarks about the contribution of Queen Elizabeth II. In fact, the place to see her political development is in the speeches that she gives to CHOGM, because every other speech that the Queen gives is on behalf of a government, usually the government of the United Kingdom, but sometimes if she is in Australia for the opening of Parliament, she might give a speech on behalf of Australia's government. The CHOGM speech is the only speech that she gives on her own behalf, because she is not representing any government, but rather is the unifying figure for both the republics and the constitutional monarchies, even the constitutional monarchies that have someone else as the head of state. That is the only speech she gives that is

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her own view, so it is quite interesting to read those speeches and leave aside the ones that are written for her on behalf of a government.

I want to first go to the question of the symbols. It may surprise people to know that William the Conqueror is considered to be one of the great kings of England. I will not go as far as the member for Bassendean and quote from *Monty Python and the Holy Grail*, but there is a point here. What is the basis of the rule of a monarch? It is interesting to read Wikipedia. William was the son of the unmarried Robert I, Duke of Normandy, by Robert's mistress, Herleva. His illegitimate status and his youth caused some difficulties for him after he succeeded his father, as did the anarchy that plagued the first years of his rule. Of course, we all know that he went on to invade England. He left Normandy and took an army on a fleet across to England. At the Battle of Hastings, he killed the then King of England, Harold, who was his distant cousin and the other claimant to the throne. William went on to rule a series of kingdoms across Great Britain and Europe that were not united because of course he had married into the royal family of Belgium. He died in battle in 1087 and is buried in northern France. He required the *Domesday Book* to be put together, which is a fascinating document because it is the first census of Britain and records all the holdings of all the king's vassals and all the wealth, because everything belonged to the king at that time. It is interesting because of course he also built the Tower of London. The Norman kings had to build the Tower of London because, as people will understand, there were several uprisings against the Norman kings in their early period of occupancy of England, so they had to have defensive arrangements to protect themselves from the people of England. Of course, that is a very great contrast to the current Queen, who is quite obviously very much held in high regard by the people of England and the United Kingdom. Indeed, in the recent Scottish referendum, the Crown was never in dispute; the Scots were happy to continue to have the House of Windsor as their royal family. The Tower of London is now a fabulous tourist attraction, but 900 years ago, the authority for a British royal family started with an invasion by a foreign duke. It is often said that the royal family is looked at as a moral guide for other people in the community, but English history shows extramarital affairs, bastard children, the break-up of relationships, sham marriages and marriages for the benefit of politics. These are all parts of the history of the royal family of the United Kingdom. It is true that today they are not elements of the United Kingdom's royal family. Clearly, my namesake, William, married Kate, my wife's namesake, because he wanted to and the question of politics has receded into the past. The point I make is that it is a bit hard to argue that somehow the royal family is supposed to be a guiding light for us when the history of the family is not as we are told a family should be.

I make the point that of course it was only in 1917 that King George V, the current Queen's grandfather, changed the name of the family from Saxe-Coburg and Gotha to Windsor. The reason he did that was that the German-sounding name was problematic during the war that was being fought against Imperial Germany at the time. Members might be aware of the famous Willy and Nicky letters. The King of England, the Kaiser of Germany and the Tsar of Russia were cousins. In the lead-up to war, Kaiser Wilhelm and Tsar Nicholas would write letters to each other, trying to urge the other one to back down. They were not really suing for peace; they were saying, "Don't you know how bad things are going to be for you?" They would sign them "Willy" and "Nicky" because they were cousins. It is one of those extraordinary things. Of course, a range of other royal families in continental Europe are also related to each other, and many of them through the House of Saxe-Coburg and Gotha. Of course, the House of Saxe-Coburg and Gotha was a German dynasty from Saxony.

I want to comment on the amendments proposed by the member for Girrawheen, because I think they are important. They will clarify what Catholics call themselves. We do not call ourselves Roman Catholics. That may be what other people call us, but we just call ourselves Catholics. There cannot be a Roman Catholic Church, because Catholic is universal. It is not possible to have a Roman Catholic Church; there can be only a Catholic Church. Of course, the Bishop of Rome is also the Pope and therefore the spiritual leader of the Catholic Church, but that does not make us Roman Catholics; it makes us Catholics. It is true that our profession of faith is exactly the same as the Anglican profession of faith, except for the word "Catholic". In our church it has a capital "C" and in the Anglican Church it has a small "c".

**Ms M.M. Quirk:** I think it has a "k" on the back end.

**Mr W.J. JOHNSTON:** No, not to my knowledge. We are not Roman Catholics; we are Catholics, although describing us as Roman Catholics may be better than calling us papists.

In his election campaign, John F. Kennedy had to say to the media that he would not be beholden to the Pope in Rome. He had to declare that even though he was a Catholic, he would not take instructions from the Holy Father. That is bizarre, because Episcopalians, which is what members of the Anglican Church are called in America, have never had to declare that they will not take instructions from the monarch of the United Kingdom who the United States had fought the War of Independence against in the eighteenth century. But that does reflect the way that Catholic history has gone in the majority of reformed countries. It would never have got

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through a vote of the people of Australia without the protection against religious discrimination that is included in the Australian Constitution, because no Irish Catholic would have voted in favour of a constitution that allowed an establishment church. The founding fathers of Australia recognised that, and that is why there is the specific prohibition, not against the separation of church and state as there is in the United States, but rather a prohibition against an establishment church. There would not have been majority support for the Australian Constitution at the end of the nineteenth century if it had allowed for an establishment church. The problem is that our monarch is the head of the establishment church, and that is an odd position. I think it is great that we will allow a future monarch of the United Kingdom and Australia to marry a Catholic, but they are not allowed to be a Catholic. I do not understand that. One cannot say that this is an inclusive decision, because Catholics are still excluded. I will support this legislation because it is an incremental change, and I want to support advancement—getting rid of the term papist—but simply to insert Roman Catholic is not actually inclusive; it should be just Catholic. We will allow a future monarch to marry a Catholic, but why do we not allow the future monarch to be a Catholic. Of course, we know the answer: the monarch of the United Kingdom is head of the establishment church. Do government members not see the problem? There is fundamentally a problem in having a religious leader as the head of the nation—and then I am told the monarch is a symbol that I am supposed to support. It is interesting that in 1986, when the federal Parliament passed the Australia Act, removing the need to swear allegiance to the Crown was criticised. I visited Whitehall two weeks ago, and the Sinn Fein members elected to Westminster do not have to swear allegiance to the Crown. Interestingly, although they do not take a seat and they do not vote, unlike the past, when upon their election, because they would not swear allegiance to the Crown, their seats were declared vacant and there was a by-election, they are now entitled to stay and serve the people of their communities, but not in Parliament.

I have already commented about the strength of our current Queen. I think she has done an exemplary job and is exactly the sort of person who people love to have as a head of state. Tragically, she is not an Australian. It is interesting that when the heir to the throne travels, he often promotes British industry. He is the heir to the throne of Australia, but when he travels he promotes industries that compete against Australian industries. That is a bit odd. I cannot see how that can be sensible. I make the point that we now have an Australian-born princess.

[Interruption.]

**The ACTING SPEAKER (Mr P. Abetz):** Member for Girrawheen, I think you have some noisy machine there, have you?

**Ms M.M. Quirk:** Not anymore, thank you, Mr Acting Speaker.

**Mr W.J. JOHNSTON:** We now have an Australian princess; Mary, Crown Princess of Denmark, who was famously born in Tasmania. She is now, of course, no longer an Australian citizen because when she married the Prince of Denmark, she necessarily and understandably renounced her Australian citizenship. She has four children, and one of those would be a great monarch. Why not? There is no more a claim for the crown of Australia to members of that royal family, than there is for members of the House of Windsor. If a monarch is to govern and rule with the authority of the people, why not have an Australian monarch? For the royalists we could have a royal as our head of state. All the people who tell us all the wonderful things about the royalist system of government could have that and also an Australian head of state. What is wrong with that? I will just show Mr Acting Speaker a black and white copy of this month's *Women's Weekly* cover, which shows a picture of Mary, Crown Princess of Denmark. Obviously, she is just like all the telegenic royals in the United Kingdom and part of that new celebrity worship that we see in women's magazines. For the people who say that we need a royal, because if we did not have one what could women's magazines talk about, there is another thing that we would have covered. It may well be that none of the royal children from Denmark want to inherit the monarchy of Australia, but there is the opportunity and we should not just dismiss it.

[Member's time extended.]

**Mr W.J. JOHNSTON:** There is no more claim on our loyalty to one of those royal children, than there is on any other royal child from any other European royal family. It just happens that the House of Windsor emerged from the marriages between families in the eighteenth, nineteenth and first part of the twentieth centuries. I agree and I have already acknowledged that I do not think political marriages take place anymore.

I have a copy of the Commonwealth of Australia Constitution Act, which is a law passed by the Parliament in Westminster. Although there was a vote in Australia of all citizens living in the colonies, it was actually an act of the British Parliament that created the Australian Constitution. Members may know that there was provision in the Constitution that allowed for decisions to be made if Western Australia was or was not a founding state. At the time when the legislation was passed in England, the final vote had not taken place in Western Australia and there was a large likelihood that it would not be carried. Of course, we know, in the end, people in the goldfields,

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many of whom were Victorians who had come over for the gold rushes in the 1890s, carried the state against the numbers in the city. That is how we joined, in the words of the Constitution, an “indissoluble federation between the states”. That means that Western Australia is not able to withdraw from the Federation. Of course, people say, “You could get it amended, if the other states agree.” Firstly, the other states would not agree. But, arguably, it is not able to be done. Even if the other states agree to Western Australia leaving, it is not clear that that would actually allow Western Australia to leave because the Constitution says that the Federation is indissoluble. It would be interesting to see, not that it would ever happen—it gets talked about a lot, but it will never happen.

**Mr C.J. Barnett:** Declaration of independence.

**Mr W.J. JOHNSTON:** Okay, the only mechanism—well, that would be good. There have only been two countries of the former British Empire that have done a unilateral declaration of independence; one is the United States and the other the former Rhodesia. They are the only two countries that have ever had UDI, every other Dominion was granted independence by Britain, including Australia. Okay, we will look forward to that, Premier.

**Dr A.D. Buti:** Although with the Rhodesian one, there was talk about the legality of that one.

**Mr W.J. JOHNSTON:** Of course, there is equally this talk about whether the United States was legally founded. It is interesting that a country close to us, Indonesia, had a unilateral declaration of independence, but in 1949 when it was recognised by United Nations, it was recognised on a different constitution. It then abrogated that constitution and went back to the original constitution. Indonesia had a UDI and after four years of war it had a grant of independence by the Netherlands, but it then junked that constitution and went back, no longer recognising it. That is an interesting analogy.

The next part of our constitutional development, of course, was the Statute of Westminster in 1931. This again was an act of the Westminster Parliament that stated that the United Kingdom Parliament could not pass laws for the nations in the dominions such as Australia, Canada or New Zealand without the request of that Parliament. There was a question about whether that applied to Australian states and Canadian provinces, but one way or another that act was a clear decision by the Westminster Parliament that the affairs of the dominions were to be seen as independent. Interestingly, it took Australia 11 years to adopt the Statute of Westminster Adoption Act 1942, when it was passed by the wartime Parliament and wartime government led by Australia’s greatest Prime Minister, John Curtin. This then gave imprimatur to the decision of the Westminster Parliament to no longer pass laws for Australia as a nation. Of course, it left open the possibility of making laws for the states of Australia, and that was finally resolved only by the Australia Act 1986, which was passed by the Labor government led by Bob Hawke. As people know, the Australia Act 1986 was an act of the Westminster Parliament and an act of the Australian Parliament and it was necessary to have these two acts come into effect at the same time. I will read again from Wikipedia, just because it is better to quote somebody! The article states —

The Governor-General of Australia, Sir Ninian Stephen, assented to the *Australia Act (Cth)* “In the name of Her Majesty” on 4 December 1985. Queen Elizabeth II assented to the *Australia Act 1986 (UK)* on 7 February 1986. Then, visiting Australia, at a ceremony held in Government House, Canberra, on 2 March 1986 the Queen signed a proclamation that the *Australia Act (Cth)* would come into force at 5 am Greenwich Mean Time on the following day. Thus the two versions of the *Australia Act* would commence simultaneously, the UK version at 0500 GMT in the UK and the Australian version at 1600 AEST —

Australian eastern summer time —

in Canberra. She presented Australian Prime Minister Bob Hawke with the signed copy of the proclamation, as well as the Assent original of the UK Act ...

At the time, the Commonwealth, State and UK Acts were known as the “Australia Acts”. However, the State Acts have performed their function and the expression “Australia Act(s)” is now used to refer only to the Commonwealth and UK Acts.

There was, of course, a difference in the two acts—the commonwealth act had something that the United Kingdom act did not have. It referred to Australia as a sovereign independent and federal nation. That is seen as the creation of Australia by most legal historians because, regarding the Premier’s comment about a unilateral declaration of independence, that was actually the first time that Australia had asserted its right as a separate country. All we had done up until then had been to act on the decisions of the Westminster Parliament. The 1931 Statute of Westminster had provided that the UK Parliament could act only on the request of Australia as a commonwealth of Parliament—leaving open the argument about whether the Westminster Parliament could

**Extract from Hansard**

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enact legislation in respect to the states. That was when Australia became a country. Rather than 26 January, it is probably better to think of 3 March 1986 as being Australia Day because that is the day we actually became a nation.

In my last few minutes I want to pass on to another symbol, which is our anthem. Again, until 1984 *God Save the Queen* was the national anthem of Australia. In 1974 Gough Whitlam made a declaration that *Advance Australia Fair* would be our national song and in 1977 Prime Minister Fraser put a plebiscite to the people of Australia to vote. I will just quote from the *Parliamentary Handbook of the Commonwealth of Australia* plebiscite results of 1977. The question asked was —

*Against the background that GOD SAVE THE QUEEN is the NATIONAL ANTHEM to be played on Regal and Vice Regal occasions, electors may indicate their preferences as to which of the tunes of the songs listed below they would prefer to be played on other occasions.*

Therefore, the question that voters were being asked in 1977 was very clear. They were not being asked what our national anthem was; they were being asked what our national song was going to be, reserving the fact that our national anthem remained *God Save the Queen*. As we all know, *Advance Australia Fair* got 43.29 per cent of the national vote; the song that finished second was *Waltzing Matilda* with 28.28 per cent; third place was *God Save the Queen*; and *Song of Australia* got 9.65 per cent. It is interesting that *Song of Australia* rated best in South Australia and the ACT rated *Waltzing Matilda* the best.

**Ms M.M. Quirk:** They are rugby supporters, that's why!

**Mr W.J. JOHNSTON:** Yes, that is it.

Otherwise, it was an overwhelming vote, although not a majority, for *Advance Australia Fair*. The lyrics of *Advance Australia Fair* are not those written by the Scotsman Peter Dodds McCormick. They were actually penned, as far as I can find from research, by somebody or other either in the Department of the Prime Minister and Cabinet or behalf of somebody in the Department of the Prime Minister and Cabinet, because the original words, as people know are, for example, "Australian sons let us rejoice, for we are young and free", rather than "Australians all let us rejoice". Other original verses are, "Like our glorious southern star; from England soil and Fatherland, Scotia and Erin fair", which are, again, references to the United Kingdom. It is no wonder that we changed the words that were penned by Mr McCormick.

**Mr C.J. Barnett:** When I just graduated, I actually worked on the survey for the national anthem.

**Mr W.J. JOHNSTON:** The Australian Bureau of Statistics one?

**Mr C.J. Barnett:** Yes, and the untold story was that there were great efforts to ensure that *Waltzing Matilda* did not win!

**Mr R.H. Cook:** So what is the line? What happened in the background?

**Mr C.J. Barnett:** I am relying on memory now, but obviously there was a lot of discussion about whether it should appear in the final choices, and I think it did from what you were saying then.

**Mr W.J. JOHNSTON:** Yes, it did.

**Mr C.J. Barnett:** But the idea of a national anthem about the sheep stealer was basically the problem!

**Mr W.J. JOHNSTON:** There were two processes. There was the first process the Premier refers to, which was done by the ABS during Gough Whitlam's period and then there was the plebiscite in 1977.

**Mr C.J. Barnett:** Was *Waltzing Matilda* in that?

**Mr W.J. JOHNSTON:** I am pretty sure *Waltzing Matilda* —

**Mr C.J. Barnett:** I have a feeling it may not have been.

**Mr W.J. JOHNSTON:** It was in 1977, but I am not sure what happened in 1974.

**Mr C.J. Barnett:** There was a lot of discussion about not including *Waltzing Matilda* as a choice.

**Mr W.J. JOHNSTON:** I have 60 seconds left, Premier. Thank you for the interjection; I am not unhappy with it! I urge people to read some of the debates at the time and some of the commentary made by Liberal members of Parliament opposing the changes happening, and criticism of people not taking an oath on a Bible—these sorts of things. The narrow-minded approach that happened at that time we have all gladly put behind us. We now have a sovereign nation because in 1986 Australia voted for it through our Parliament. We have

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a national anthem that we all love and enjoy singing badly at football matches and we have national symbols. There is one to be fixed.

**MR D.A. TEMPLEMAN (Mandurah)** [8.20 pm]: I could not let debate on this Succession to the Crown Bill go without making some comment because I have this romantic, nostalgic sense that the House of Lords in the United Kingdom awaits with great anticipation the determination of the Western Australian Parliament in passing this bill. One wonders what constitutional crisis might be created if the Western Australian Parliament decided not to support the legislation before us this evening. I understand that we are the final link in the chain in ensuring that the —

A member interjected.

**MR D.A. TEMPLEMAN:** Yes; I could lose my knighthood over this, so I will be careful!

Who is the person who sits on the “big bale”?

**Mr R.H. Cook:** What?

**Mr D.A. TEMPLEMAN:** On the bale.

**Mr R.H. Cook:** Humpty Dumpty.

**Mr D.A. TEMPLEMAN:** On the bale. If members went to the House of Lords they would see the person who is sprawled over the bale. Is it the Lord Speaker of the House of Lords? I remember going there a number of years back. It was quite remarkable to see some of the interesting characters sitting there. The last time I was in the House of Lords was in 1996. I queued for four hours to get into the House of Commons and then went to the wrong place.

Several members interjected.

**Mr D.A. TEMPLEMAN:** I thought I was going to question time and then I found myself in the House of Lords.

A member interjected.

**Mr D.A. TEMPLEMAN:** It is the Lord Speaker. Back then it was prior to the Blair government’s changes, I think, to the House of Lords and the peer system.

**Dr A.D. Buti:** They would all have been asleep.

**Mr D.A. TEMPLEMAN:** Let me just say that there was an assortment of people in various states of decay in the House of Lords, some of them obviously very much looking forward to afternoon tea because there were not many of them there at the time.

**Mr R.H. Cook:** It’s just like the Legislative Council!

**Mr D.A. TEMPLEMAN:** It is a bit like the Legislative Council. As this colonial from Western Australia, I wandered in thinking I was going to question time in the House of Commons and ended up in the House of Lords, but it was there that I discovered my true roots. Planted in my psyche there was connection to what I thought was a past life. I believe that if I had lived in a past life I would have been a member of the House of Lords. I can see myself there. In fact, I aspire to that one day if the current Prime Minister extends his knighthoods for Australian citizens, as he has proposed. We might actually have an Australian lord in the House of Lords.

**Dr A.D. Buti:** If the Queen can reign over Australia from London, you should be able to reign over Mandurah!

**Mr D.A. TEMPLEMAN:** One would hope!

**Dr A.D. Buti:** It shouldn’t be a problem.

**Mr D.A. TEMPLEMAN:** That was my experience in the House of Lords. I would love to go back one day but it would be a very different place, from what I can gather, because I understand that the peer system has been diluted somewhat and life peerages are no more, I think. I might be wrong.

**Ms L.L. Baker:** I think it is 50–50 now.

**Mr D.A. TEMPLEMAN:** There we are; they have a bet each way on the peerage process. It is not often I digress!

**Mr R.H. Cook:** Not often!

**Extract from Hansard**

[ASSEMBLY — Tuesday, 11 November 2014]

p7971b-7999a

Mr Chris Tallentire; Dr Tony Buti; Mr Bill Johnston; Mr David Templeman; Ms Andrea Mitchell; Acting Speaker; Mr Roger Cook; Mr Colin Barnett; Ms Margaret Quirk; Mr Peter Abetz; Mrs Glenys Godfrey; Deputy Speaker; Mr John Day

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**Mr D.A. TEMPLEMAN:** I have this romantic sense that the House of Lords and, indeed, the House of Commons—the UK Parliament—is waiting with bated breath on news from the colony of Western Australia, that the WA Parliament, in its haste to enjoy Christmas turkey, will pass this bill before the end of the year so that, indeed, the ascendancy to the throne can be confirmed. It is entirely appropriate that the firstborn of the monarchy become the first heir, irrespective of their sex.

Until a few years back, I have been a staunch republican. However, things have changed.

Several members interjected.

**Mr D.A. TEMPLEMAN:** They have. I, on this side of the house, may indeed be a closet monarchist. I saw some union people in the gallery, but I am glad they have gone so that they cannot witness this confession—Templeman the confessor. The simple fact is I have a great deal of respect for Her Majesty. I was only a matter of metres from her when she visited the Commonwealth Heads of Government Meeting. I went down to the garden party at Government House and, feeling like a bit of a monarchist groupie, I stationed myself at an appropriately close place only to have a rather large woman plant herself right in front of me. I was quite upset about that. I saw Her Majesty pass by and, of course, my favourite royal of all, the Duke of Edinburgh. I think it is great to have someone with humour. I do like people with humour and I particularly enjoy Prince Philip's history.

**Dr A.D. Buti:** You know what he said, don't you?

**Mr D.A. TEMPLEMAN:** I know that he said many things.

**Dr A.D. Buti:** Do you want to relay what he said on that day?

**Mr D.A. TEMPLEMAN:** He probably said something inappropriate. I have to be careful because this could make its way into the House of Lords. All the children were lined up and I think he said something along the lines of, "Oh, so they asked all the ugly ones to come out", or something like that. He is known for his inappropriate comments. He had previously been renowned for his conservation work, even though he was a mad, avid hunter. When he went to Thailand in 1991 to receive a conservation award, he said to them, "Your country is one of the most notorious centres of trading in endangered species." In 2003 when he went to have a very formal dinner with the President of Nigeria, who was dressed next to him in national dress, he said to him, "You look like you're ready for bed." In 1969 things were tough for the Duke and the royal family's budget. He was known to have said that year, "If we go into the red next year, I shall have to give up polo", which I thought was good. In 2004, when seated at a party he said, "Bugger the table plan, give me my dinner."

I like the Duke and I like the fact that he is not afraid of saying inappropriate things because the world now is such a clinical, cleansed place. There is a place for politically inappropriate comments such as this one when he said to the Paraguayan dictator General Stroessner, "It's a pleasure to be in a country that isn't ruled by its people", which I thought was nice. When he went to the Aircraft Research Association in 2002 he said, "If you travel as much as we do, you appreciate the improvements in aircraft design of less noise and more comfort—provided you don't travel in something called economy class, which sounds ghastly." When asked in 1967 if he would like to go to Russia, the Duke said, "I'd like to go to Russia very much, although the bastards murdered half my family." He is known for the Duke of Edinburgh Award. Goodness, gracious; I was only quoting.

*Point of Order*

**Ms A.R. MITCHELL:** I am very concerned about your potential to get that peerage and I am trying to caution you about your future!

**The ACTING SPEAKER (Mr P. Abetz):** I take note of your point of order; perhaps relevance is an issue.

*Debate Resumed*

**Mr D.A. TEMPLEMAN:** One of the things that the Duke of Edinburgh is well known for is the Duke of Edinburgh Award scheme. Many Western Australians have been active participants in and recipients of that scheme. I love his comment about young people—because the Duke of Edinburgh Awards are specifically for young people—at the 2006 Duke of Edinburgh Awards scheme announcement, "Young people are the same as they always were. Just as ignorant." I thought that was beautiful. He was not afraid to even deprecate his family, when he said in 2000, "People think there's a rigid class system here, but dukes have even been known to marry chorus girls. Some have even married Americans." Finally, in regard to his daughter, Princess Anne, he said this in 1970, "If it doesn't fart or eat hay, she isn't interested." So, the Duke of Edinburgh is my favourite.

One of the things that I love about Western Australia and Western Australian history—it was mentioned by the member for Cannington earlier today—is how the colony of Western Australia in 1900 reluctantly voted yes to

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become part of the Federation. At that time, Yilgarn had a number of representatives in the Parliament; there were a number of members from the goldfields, from East Kalgoorlie and from West Kalgoorlie; and I think Coolgardie was also a seat at one stage in this place. I am reminded of the famous photograph of the cricket ground scoreboard that showed the results coming in. I would love to get that photograph blown up, because it has all the people looking towards the sign. As the member for Cannington pointed out, when the results came in, it was the people from the other side who had flocked to the goldfields who essentially tipped the vote in favour of Federation. That was interesting.

I have this romantic sense that the House of Lords is waiting in anticipation for our debate tonight. That almost gives me the sense that we should delay it a bit more, just to tease them a bit. Maybe we should send this bill to a committee for detailed analysis. I know that would not be a successful move, although I have a nostalgic —

**Mr C.J. Barnett:** Perhaps a personal trip by yourself to the Lords is in order!

**Mr D.A. TEMPLEMAN:** Premier, I am always keen to travel! I would be very happy to be part of an envoy to the House of Lords —

**Mr C.J. Barnett:** Make sure you pass the port the right way! Don't let us down!

**Mr D.A. TEMPLEMAN:** — to deliver the proclamation. Perhaps the Premier will respond to this by way of interjection, but I assume that as part of the passage of this bill, an official message will be presented from this Parliament to the Parliament of the United Kingdom to confirm that this state, along with the other states and territories of Australia, has passed this bill.

If the Premier would like some more quotes from the duke, I would be happy to provide him with my little almanac of Prince Philip quotes. He did say some very inappropriate things. Here is another one. In 1965, at a project to protect turtle doves in Anguilla, he said, "Cats kill far more birds than men. Why don't you have a slogan 'Kill a cat and save a bird?'" I can just imagine him saying that.

I do not want to delay the house any further, because I need to travel back to my principality—my community—of Mandurah, and I will be doing that not on the royal train but in a vehicle tonight. With that, I will conclude, because I know that the member for Kwinana wants to make an equally appropriate and significant contribution to this debate.

**MR R.H. COOK (Kwinana — Deputy Leader of the Opposition)** [8.34 pm]: I rise tonight to speak on the Succession to the Crown Bill 2014, with some reluctance, I might say, after that performance by the member for Mandurah. I have been very impressed with the wealth of useless information possessed by the members on this side of Parliament about the historical context in which we are deliberating tonight. I took the opportunity to look at some of the second reading speeches on this bill, and I thought that the analysis by the member for Butler of the Act of Settlement 1701 and the Royal Marriages Act 1772 showed an extraordinary capacity to inquire into the useless. Certainly, I thought the extensive quotations from the House of Lords by the member for Girrawheen was an inspired piece of research that portrays the somewhat urgency of this matter. I noted that Lords Lexden and Wallace are somewhat anxious about the speedy passage of this legislation and the fact that this particular colony is holding up this whole show. And what a show it is! This is very radical legislation indeed. We are contemplating the passage of legislation that would give women equal standing in succession to the Crown. It sends me giddy with excitement to think how we are changing the world here tonight!

The notion that the monarch should be able to marry a Roman Catholic—albeit we have not gone so far as to suggest that a Catholic could be head of state—is a weighty step indeed. The member for Armadale, in his analysis of the role that women have played in history, showed an equal intent to master the almost useless. But it was a good contribution nevertheless.

As today is Remembrance Day, I want to take this opportunity to acknowledge the Kwinana Returned and Services League and the service that it put on today, as it does every year, not only on Remembrance Day but on every other important day of commemoration. The Kwinana RSL does a great job and punches well and truly above its weight, and the community is rightly proud of the work that it does. I note, however, that at the beginning of nearly all its services, the gathering crowd is required to sing *God Save the Queen*. I must say that it has been many years since I have been required or asked to do that; I remember doing so in primary school a very long time ago. When I compared notes with my colleagues today, none of them had ever been required to sing *God Save the Queen*. It may be that Pastor Ric Blockley is a particular aficionado of *God Save the Queen*; is it referred to as the royal anthem? I am not quite sure, but every year he forces us to sing it, and I notice as I look around the crowd that some are more enthusiastic than others about singing it. I am one of those who struggle with the idea and it has been great to hear the republican sentiments expressed and displayed in this place tonight by those on this side of the chamber. However, I implore Kwinana RSL to lose the habit of making us sing

**Extract from Hansard**

[ASSEMBLY — Tuesday, 11 November 2014]

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*God Save the Queen*; we also sing the Australian national anthem, which is of course most appropriate, but for some reason we cling onto that little piece of history.

I note that we are the last of the colonies to take on the chore of passing this legislation, and it is obviously pleasing that we are now in a position to advance it. It will be good to see this legislation passed before the end of the year.

**MR C.J. BARNETT (Cottesloe — Premier)** [8.40 pm] — in reply: I thank members on both sides of the house for their support for the Succession to the Crown Bill 2014; it has been an interesting and sometimes entertaining debate. Members have quite rightly, I suppose, talked about some of the history of the Crown and the history of succession. Again, I remind members that the obvious point is that this legislation arose out of the situation in which Prince William and his wife Catherine were expecting their firstborn child and it was unknown whether it would be a boy or a girl. There was widespread concern within the community, particularly in the UK, that should the child have been a girl, that that girl should eventually become Queen rather than possibly have had to defer to a subsequent sibling who may have been male; so the legislation was designed to remove the supremacy of male succession over female, and I think everyone agrees with that. It is an interesting quirk of history that the agreement to do that had been made and UK legislation was proceeding, but it was also obviously essential that the same rules that applied in the UK should apply throughout the commonwealth and, more specifically, in commonwealth realm countries, such as Australia, Canada and some others, of which the Queen of England is also Queen. So we have a little place in history in that it was one of the issues that British Prime Minister David Cameron ensured was agreed to at the Commonwealth Heads of Government Meeting in Perth in November 2011.

There was then quite a bit of debate at the Council of Australian Governments about how we were to actually do that. Some states, particularly Queensland, were very careful that they should not lose any of their rights as sovereign states, and they had broad support for that principle. Eventually a hybrid model was developed under which the commonwealth government would pass legislation consistent with the UK legislation, and each of the states would also pass similar legislation and in doing so request the commonwealth government to recognise it and convey the message back to the UK. That process was designed so that there could be no gaps, no loopholes and no position from which anyone could dispute succession to the Crown.

This bill therefore simply removes the preference of male over female in terms of royal succession. It also removes the rule to disqualify anyone who is married to a Catholic, and everyone agrees with that. I note the point raised by members opposite that it still rules out a Catholic being King or Queen—that is an interesting observation—and repeals the requirement that any descendent of King George II must gain the consent of the monarch before marriage, and I think we are all agree on that also.

This means that we are, as a sovereign state, complying with the UK and Australian commonwealth legislation and that we are requesting the commonwealth government to acknowledge the fact. It is ironic that, of all the realm countries within the commonwealth, we are the last jurisdiction to pass the legislation, given that this is the site at which the process was initiated; however, I am sure that strict monarchists will be proud of us for hanging out until the end!

There was a lot of debate about the Australian republic referendum, which was an interesting time in Australian history. I supported the republic and did so publicly; I am not sure, but I think I was probably one of the first known Liberals to do so. I remember that shortly after I made my support public, Peter Costello also announced a similar view; then there was Julie Bishop a little later, and others. I think it was a great pity that that referendum degenerated into a debate about whether the head of state was to be elected or appointed by the commonwealth Parliament; I certainly supported the view that the appointment should be by a two-thirds majority of a joint sitting of the commonwealth Parliament and that the states be consulted in the process. To have had an elected head of state would clearly have established a new political voice in Australia, and that was to me unknown territory and I did not think we needed it. In fact, I did not even support the use of the term “President”; I thought we could simply retain the term “Governor-General”, so I supported a minimalist model. Unfortunately—I think the member is right—then Prime Minister John Howard outmanoeuvred everyone in sight and the referendum was defeated. I do not support another referendum in the short term; I think it is now a matter for a new generation. Perhaps 25 years after that referendum, if there is a mood in the country, then maybe there should be another referendum; if I am still around, I am not quite sure how I will vote, but I certainly supported a republic at the last referendum. I think members opposite made the point that Queen Elizabeth II has remarkable standing and there is probably not a great sense of moving to a republic as long as she remains on the throne; that was one of the sentiments that came through.

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I will say that I think the Commonwealth of Nations is an important institution. I was a little bit sceptical about its role until I went on one of those commonwealth parliamentary visits to the UK and met with other commonwealth nations and their members of Parliament, particularly a group of young African leaders. It came through to me that the Commonwealth of Nations did have a role to play—a friendship role, particularly in supporting developing nations. It is interesting that some non-Commonwealth of Nations countries have actually sought to join it, and probably will. So I changed my view after that experience in London quite a few years ago. Interestingly enough, I think that the work that Western Australia is doing in supporting the development of the mining industry, particularly mining administration, in eastern and southern Africa, has a strong commonwealth dimension to it, and there is trust amongst Commonwealth of Nations countries. We have a similar heritage and similar histories; that is certainly there, and it is something that perhaps surprised me a little.

The Succession to the Crown Bill 2014 is the final stepping stone in ensuring that any form of discrimination on the basis of sex is removed, and that is the main intent. With Charles, William and George the next three in line of succession, I guess there is still a bit of time to get the bill through, but we should tidy it up and put the House of Lords at ease!

I thank members opposite for their support for this bill. I know there are some proposed amendments and we will get to those during consideration in detail.

Question put and passed.

Bill read a second time.

Leave denied to proceed forthwith to third reading.

*Consideration in Detail*

**Clause 1 put and passed.**

**Clause 2: Commencement —**

**Ms M.M. QUIRK:** During the second reading stage of the debate there was some discussion about why the Succession to the Crown Bill 2014 has taken so long to come into this chamber. What are the reasons for the delay?

**Mr C.J. BARNETT:** I concede that it has taken a while, but there has been no particular reason for that. Western Australia had an election, and I guess that slowed things down a little bit, and in a practical sense, given that the immediacy had gone out of the matter and given that the next three people in line to the monarchy are males, it did not arise. The legislation sat on the notice paper for a while. There is no particular reason, but there is now hopefully a chance to tidy up the matter and perhaps even get the legislation through the upper house, which will conclude this issue for Britain and the commonwealth.

**Mr W.J. JOHNSTON:** I seek clarification on what are the time constraints and when we need to have the bill passed. I understand that there may have been comments in the House of Lords about delays here in Western Australia. The commencement is set out, so I am wondering what effect that will have elsewhere in the world?

**Mr C.J. BARNETT:** There was an article in *The West Australian* which stated that WA is holding up British monarchy reforms. It appears that we matter! It would be convenient if the bill were to pass through both houses this year, but I do not think it matters a great deal if that does not happen until next year. Hopefully the upper house can deal with it. Everyone agrees with the bill and it would be a strange situation if this Parliament were standing in the way of equality in terms of succession to the Crown.

**Ms M.M. QUIRK:** In relation to those comments, Premier, I understand the scheme is that a bill in substantially the same terms is passed in other states and then the commonwealth passes the legislation. Bearing that in mind, is it therefore not uniform legislation and would it be the Premier's understanding that it would go to the Standing Committee on Uniform Legislation and Statutes Review, which could mean that the bill is unlikely to pass this year?

**Mr C.J. BARNETT:** I do not think that the bill would go to the Standing Committee on Uniform Legislation and Statutes Review. To conclude its legislation, the commonwealth requires each of the states to have complied. We are the last state to do so. Assuming the bill passed through both houses in Western Australia before the end of the year, the commonwealth would clearly legislate early in the new year, and that would be a formality and it would go through pretty much straightaway.

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**Mr W.J. JOHNSTON:** This is my last question on this clause. Do these dates need to be the same as in other states? Is there any particular reason for them? If we were to pass the bill in two years' time, will that be acceptable, or does everything have to wait until Western Australia has completed the passage of the bill before everyone else can give effect to what they are doing?

**Mr C.J. BARNETT:** Every other state has complied, so the commonwealth is now waiting for the bill to go through the Western Australian Parliament. I imagine it would act very promptly then to place the complementary—essentially the same—legislation through the commonwealth and therefore notify the UK and other commonwealth nations.

**Clause put and passed.**

**Clause 3 put and passed.**

**Clause 4: Object of this Act —**

**Mr W.J. JOHNSTON:** I note that it states in this clause that the object of the bill is to have the same person—the sovereign of Australia—as the sovereign of the UK. Does that mean that is our object, or is it our object to allow for a wider succession? I understand the Premier said that is the most important part—that is, to remove the discrimination against women for succession—but it states in this clause that we are going to have the same person as the monarch.

**Mr C.J. BARNETT:** My understanding is that the UK legislation would ensure that the succession to the throne would be the firstborn, and it would achieve that. The dilemma, or somewhat bizarre outcome, could be that if we do not enact this legislation in every sovereign state and in the commonwealth, we could, I think legally, have a scenario where there is a different sovereign. For example, if a female had been born to William and Catherine, the scenario could be that the female would be the Queen of England and a potential younger brother would be the King of Australia.

**Mr R.H. Cook:** That's just too delicious to contemplate!

**Mr C.J. BARNETT:** Yes; in fact, it goes further if each state does not comply. The commonwealth does not necessarily need the states to do this; this bill is to close any dispute. The commonwealth, in sheer frustration with the delays in WA, could enact the legislation, and there could be a Queen of England, a Queen of Australia and a King of Western Australia.

**Mr R.H. Cook:** Now you're talking!

**Mr C.J. BARNETT:** That was the debate around the Council of Australian Governments, with Queensland continuing to see some appeal in that; the other states did not.

**Clause put and passed.**

**Clause 5 put and passed.**

**Clause 6: Request for Commonwealth legislation —**

**Ms M.M. QUIRK:** Clause 6(1) refers to the bill being passed in the terms, or substantially in the terms, set out in schedule 1. What is the reason for those words? "Substantially" presumably has its natural meaning, but what is the reason for "substantially" being in that clause?

**Mr C.J. BARNETT:** The basic reason is the differences in the drafting format of commonwealth legislation versus state legislation. Words will be difficult because it happens to be a commonwealth bill; but the intent, the content, is the same.

**Clause put and passed.**

**Clause 7 put and passed.**

**Clause 8: Removal of disqualification arising from marriage to a Roman Catholic —**

**Ms M.M. QUIRK:** I move —

Page 6, line 10 — To delete "**Roman**"

I explained at length during the second reading debate the reason for this amendment. It is a legitimate point, and I am particularly disappointed that the Premier did not give me the courtesy of responding to that point in his response to the second reading debate. Unfortunately, I am going to have to labour the point and go through it until I get some sort of indication from the Premier as to whether the government intends to agree to this amendment; and, if not, why not?

**Extract from Hansard**

[ASSEMBLY — Tuesday, 11 November 2014]

p7971b-7999a

Mr Chris Tallentire; Dr Tony Buti; Mr Bill Johnston; Mr David Templeman; Ms Andrea Mitchell; Acting Speaker; Mr Roger Cook; Mr Colin Barnett; Ms Margaret Quirk; Mr Peter Abetz; Mrs Glenys Godfrey; Deputy Speaker; Mr John Day

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**Mr C.J. BARNETT:** I was conscious of the amendment, so I am sorry if that is the case; I thought we would deal with it here. I understand the point made by the member for Girrawheen and I understand some of the interpretation of the words “Catholic” and “Roman Catholic”. The member for Cannington also made the same point. Indeed, the member for Girrawheen is right. The word “Catholic” is used in a general sense and relates to Christianity; the words “Roman Catholic” may have a slightly different connotation. The reason for the reference to “Roman Catholic” is that the term “Roman Catholic” is in the British and the Australian legislation; so whether the member opposite is right or wrong, in a sense it does not matter that much because the words “Roman Catholic” need to be removed because that is what appears in the law.

**Ms M.M. Quirk:** Not in the original legislation; that is the problem.

**Mr C.J. BARNETT:** As I understand it, the UK legislation uses the term “Roman Catholic”; therefore, we have to use that terminology.

**Ms M.M. QUIRK:** As I said in the second reading debate, Premier, the original Act of Settlement or the Marriages Act refers to someone who has communion with the Holy See of Rome or a papist. The word “Roman” Catholic is not used, and by using the word “Roman” Catholic, we are in fact still prohibiting those churches that are in communion with the Holy See of Rome but are not Roman Catholics; for example, the Maronite Catholics, who number about three million. Technically, we are enshrining more discrimination, and it is an unintended consequence of this legislation. But given that we can pass this legislation in substantially the same terms as clause 6, this would be the least discriminatory of any of the bills in all of the realms that have passed this legislation. Otherwise, we are effectively excluding quite a large proportion of people—I referred to the numbers—of the eastern rite churches who are in communion with Rome as per the original prohibitions.

**Mr C.J. BARNETT:** I do not dispute the point the member for Girrawheen makes. I will read out the advice I have just been given. The term “Catholic” does not appear in either the Bill of Rights 1689 or the Act of Settlement 1701.

**Ms M.M. Quirk** interjected.

**Mr C.J. BARNETT:** Hang on! That refers to the term “Catholic”. The term “Roman Catholic” appears in the United Kingdom legislation, and I understand that it also appears in Australian commonwealth legislation. However, the substantive point is that the legislation that is going through the UK Parliament and is waiting in the House of Lords refers to “Roman Catholic”. The legislation in every other state in Australia refers to “Roman Catholic”. The commonwealth law will refer to “Roman Catholic” because that is the terminology that has been used. If we were to delete “Roman” and just leave “Catholic”, as the member argues, then our legislation would be different from the Australian legislation and that of other states. The most likely consequence would be that the commonwealth government would ignore Western Australia and would proceed without us. The other probably unlikely scenario is that it would potentially raise a point of dispute about succession to the Crown. Even though we might be one tiny part of the commonwealth, we would raise a potential area of dispute, and I do not think that is anyone’s intention. I do not disagree with the member’s argument and the theological and terminology points she makes, but we need to be consistent with other states, with the commonwealth of Australia and with the British Parliament.

**Ms M.M. QUIRK:** Premier, where does it say that?

**Mr C.J. BARNETT:** That is what is in the other laws being passed by the commonwealth and throughout Australia.

**Mr W.J. JOHNSTON:** I want to clarify that. Is the Premier saying that there must be some arrangement with the states and the commonwealth that we pass the legislation in the form he is proposing to us? So it has to be —

**Mr C.J. Barnett:** Consistent.

**Mr W.J. JOHNSTON:** Is the Premier saying that it is part of an agreement from the Council of Australian Governments, or whatever, that we need to pass it in this form? Is that what the Premier is saying?

**Mr C.J. BARNETT:** That is the basis of the hybrid agreement. The commonwealth initially had a view that it could legislate and that would be it. However, the commonwealth’s legal advice, and particularly the legal advice coming out of Queensland, is, no, the commonwealth needs to legislate and each sovereign state needs to legislate in a complementary way. My view is that if we were to do as this amendment suggests and change the terminology from “Roman Catholic” to “Catholic”, the commonwealth would ignore us and would simply proceed on its own basis using the terminology “Roman Catholic”. That would be a risk, probably a minute risk in reality, but I think we would simply be ignored, the commonwealth would proceed and we would be made irrelevant as a sovereign state, which would not be a good outcome.

**Extract from Hansard**

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**Mr W.J. JOHNSTON:** The Premier is saying that this legislation does not matter because the commonwealth can do whatever it wants.

**Mr C.J. Barnett:** Unless it is disputed in a court, and who knows what might happen in 100 years' time?

**Mr W.J. JOHNSTON:** Sure; okay. This is the problem.

**Mr C.J. Barnett:** It is closing all the loopholes.

**Mr W.J. JOHNSTON:** Sure.

**Ms M.M. Quirk:** No; it's creating a new one.

**Mr W.J. JOHNSTON:** Yes. The member for Girrawheen is asking what the term "Roman Catholic" actually means. We do not define "Roman Catholic". This is the problem, because I am not a Roman Catholic; I am a Catholic. I have never been a Roman Catholic. I have always been a Catholic. I do not know which primary school the Minister for Corrective Services went to.

**Mr J.M. Francis:** If I can interject.

**Mr W.J. JOHNSTON:** Yes, go ahead.

**Mr J.M. Francis:** If you were a member of the Australian Defence Force right now —

**Mr W.J. JOHNSTON:** Yes.

**Mr J.M. Francis:** Hear me out. I had to go and get new dog tags last week, and I know other members of this place are still serving members of the ADF and the reserves. You can only be a Roman Catholic. In the commonwealth Defence Force in Australia right now, you cannot select the option of Catholic; only Roman Catholic.

**Mr W.J. JOHNSTON:** The minister made two points but that does not change anything. It does not change the fact that someone is a Catholic and not a Roman Catholic.

**Mr J.M. Francis:** So, they are all wrong!

**Mr W.J. JOHNSTON:** Yes, of course. That is the point I am making. That is the whole point of the issue that we are raising. We are not Roman Catholics; we are Catholics. Again I refer to my second reading contribution when I pointed out that John F. Kennedy had to make it clear to people that he was not beholden to Rome when he was running for President. I am making it clear here that I am not beholden to Rome. The Pope is the head of the church; that does not make him my boss. Does the member see the difference? It is actually fundamental to the law we are passing.

It appears that there are two alternatives to this argument, and I do not mind which one is adopted. Either it does not matter whether we delete the word "Roman", or we are about to pass legislation that has been agreed through some process. If it is the latter, it means that it is uniform legislation and the bill will have to be referred to the Standing Committee on Uniform Legislation and Statutes Review, because the standing orders in the other place say that any legislation that is uniform must be referred to that committee. I am not interested in what the answer is; I am interested in good law. Quite frankly, I am not a Roman Catholic; I am a Catholic. The pope happens to be the Bishop of Rome, and everybody who is not a Catholic thinks that makes us Roman Catholics. We are not; we are Catholics. My creed, my profession of the faith, does not say it is "one wholly apostolic Roman Catholic Church"; it says it is "one wholly apostolic Catholic Church".

**Mr J.H.D. Day:** As the Anglican does?

**Mr W.J. JOHNSTON:** Yes, it does. As I pointed out in my second reading contribution, minister, the only difference is that we have a big "C" and Anglicans have a little "c"; but otherwise it is the same. I am just making the point that the words "Roman Catholic" are not defined in the bill, so we assume that it means Catholics and people who are part of the Catholic faith with the pope in Rome. That does not make us Roman Catholics. Everybody says that this is only a minor detail. Yes, it may be that it is a minor detail, but we are talking about symbols. Everybody says how important these symbols are. I am making the point that I think the symbols are important. That is why I would like them to be correct.

**Mr P. ABETZ:** I want to make a comment on that point, as a non-Catholic but as a Protestant. All Christian churches recite the Apostles' Creed; and the universally accepted version of the Apostles' Creed is, in part, "I believe in one wholly Catholic Church", which means that the Protestants also consider themselves part of the Catholic Church, because the word "catholic" actually means universal. In other words, we say that there is one universal church and the church that has its bishop in Rome, commonly known as the Roman Catholic Church, considered itself to be the universal church and did not allow any other church to have any authority. That is

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what the Reformation was all about. And ever since the Reformation, what was referred to as the Catholic Church was known as the Roman Catholic Church, even though Roman Catholics repeatedly say, “No, we’re just Catholic, we’re not Roman Catholic.” In common usage and in terms of making that distinction the word “catholic” means universal and is a term that is embraced also by Protestant Christians. Therefore, if we take away the word “Roman” from “Roman Catholic”, it will take away the distinction between Protestant and Catholic. The whole purpose of this legislation is to allow someone from the Royal Family, as the successor to the throne, to be able to marry a Roman Catholic and to not disqualify them from the throne.

**Mr C.J. BARNETT:** We have pastoral advice now, so that is good. We could argue this point for a long time —

**Mr R.H. Cook:** And they will the way they are going.

**Mr C.J. BARNETT:** They may, but I will advise them of the consequence. If members opposite were to win this point and the term “Roman” were to be removed, I can tell them politically what would happen: the commonwealth would immediately ignore Western Australia and it would pass its federal law —

**Ms M.M. Quirk:** You mean the Catholic Prime Minister would ignore this position?

**Mr C.J. BARNETT:** I am telling the member for Girrawheen that that is exactly what would happen. I have sat through hours of discussion at COAG on this matter. The commonwealth would immediately ignore the position of Western Australia; it would pass its commonwealth legislation acknowledging every state and territory with the exception of Western Australia; it would convey that message to the British Parliament and to other commonwealth nations; and, at the end result, what would we have? The only jurisdiction in the commonwealth amongst realm nations would be Western Australia, which would be the one jurisdiction that had not agreed to equality in succession between males and females. That would be the historic footnote if we did that.

**Ms M.M. QUIRK:** Premier, the member for Cannington made the point that it is either uniform legislation or it is not. If it is uniform legislation and there can be no variation whatsoever, this bill goes to the Standing Committee on Uniform Legislation and Statutes Review in the Legislative Council. I specifically asked the Premier about clause 6, which states —

- (1) The Parliament requests the enactment ...in the terms, or substantially in the terms, set out in Schedule 1.

It does not say “identical”; it says “substantially”. Given that there is no definition of “Roman Catholic” in the legislation, does the Premier concede that the word “Roman” in clause 8 excludes the eligibility of a large number of people within the ambit of the communion with the See of Rome who will not be able to marry in accordance with this legislation?

**Mr C.J. BARNETT:** I do not know that that is necessarily the case. I advise the member again of the political reality: Western Australia will be ignored. I have sat around the table with the Prime Minister and the other Premiers, and I have absolutely no doubt that if we amend this legislation in the way the member suggests, Western Australia will be ignored and the commonwealth will proceed without Western Australia. I can guarantee that. That was the tenor of the conversation. The commonwealth’s preference was always to legislate without the states. It was only when issues of doubt were raised that the commonwealth agreed to the hybrid model put forward by Queensland, and supported by Western Australia, that every jurisdiction legislate in the same terminology and in the same way. It will not be seen as a minor issue. The member can believe me or not, but the commonwealth will not hesitate—it will simply proceed. Western Australia will be the one jurisdiction in the world, or in the commonwealth world, that has failed to enact the rights of women in succession to the throne. I would be ashamed if that was to happen to this state.

**Ms M.M. QUIRK:** With the risk of flogging a sectarian horse, I really am concerned about the Premier’s argument in light of clause 6, which does not state that it has to be word for word. If clause 6 were not there, I would say that the Premier’s argument had some merit, but the bottom line states “or substantially in the terms”, not “identical”. This is why I have issue with the argument. It will not make the whole scheme fatal. It will not mean that the realm of Western Australia will be excluded. All it means is that we are more accurately and closely looking at the legislation than everyone else has bothered to do.

**Mr C.J. BARNETT:** The member may argue that. I am just telling her the reality of the Council of Australian Governments and the reality of the federal government’s position—the commonwealth will proceed immediately without Western Australia.

**Ms M.M. Quirk:** I suspect this was not discussed. It was not discussed in London.

**Mr C.J. BARNETT:** Not the particular point the member is making, but there was some discussion about that. The main discussion was everyone agreed on the principles of the UK legislation. Every state and territory

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agreed that we needed to enact the same in Australia. The discussion was primarily about the method: would it simply be commonwealth legislation or would there be complementary state legislation? As to “substantially the same”, that relates to technical differences in drafting, not to the content of the bill. The member is suggesting a change in the content of the bill. I am telling the member as Premier that I will not abide that. I will not abide Western Australia not supporting the right of a woman to take the throne in the UK and therefore be the head of state in Australia, so long as we are a constitutional monarchy.

**Mr W.J. JOHNSTON:** I think the Premier is misdirecting his discussion. No-one on this side supporting these proposed amendments is arguing about not allowing women to succeed the throne. That is a separate issue that will be voted on in a separate clause. We are discussing the removal of the disqualification arising from a marriage to a “Roman Catholic”. That is the discussion. If this is uniform legislation, as I think it is, in accordance with the standing orders of the upper house it will be dealt with by the Standing Committee on Uniform Legislation and Statutes Review.

Let us get back to what we are trying to raise, which is the question of what is a Catholic. I was interested in the contribution of the member for Southern River, who explained from his perspective, as a minister of his church, his view of needing to describe a Catholic person as a Roman Catholic person because of the use of the word “Catholic” by many Christian churches. But that is not the point. I do not try to define the member for Southern River’s religion, as I do not try to define anyone else’s religion. What I do, though, is define my own religion. That is what I am debating. I am not asking the member for Southern River to change the nomenclature that he uses to describe his Christian beliefs, but I am equally insisting on the right to properly describe my Christian beliefs. I am not a Roman Catholic; I am a Catholic. As it happens, the bishop of Rome is the Pope and the leader of the Catholic Church. That does not make me a Roman Catholic. I am not beholden to Rome. Vatican II—we can go through this in detail—asserted the right of every Catholic to interpret the Bible for themselves. I have that right. It is not unique to other Christian churches. At the end of the day I am still a Catholic. That is what I am. I do not think it is right for other people to try to define what my religion is, in the same way that I do not attempt to define the religion of others.

If this goes to a vote, we know what will happen, but there has not been an explanation for why we cannot properly describe my religion. I do not understand that. If it is because this is uniform legislation, fine; tell us that it is uniform legislation. That is not a problem. I understand uniform legislation. There was some agreement made somewhere else that the Premier, other Premiers and the Prime Minister have entered into. I think the deal was done in 2011 when there was a Labor Prime Minister at the time the deal was done. That is all right; that is fine. That then becomes uniform legislation and it will go to the uniform legislation committee. It can consider the arrangements that we allow through that process in Western Australia. I will read all the debates about uniform legislation and refer to all the commentary made by all sorts of people about that stuff. If it is not uniform legislation, I do not see why I have to have my religion defined by somebody else. It does not make any sense. I do not try to do that for anyone else so why would someone do it for me? I do not understand that.

**Mr C.J. BARNETT:** The member for Cannington, like any other person, has the right to define his religious beliefs as he wishes. The practical reality is that the term “Roman Catholic” exists in Western Australian law already in a number of acts. It is in the law. I am not sure whether it appears in any commonwealth legislation but the term is used and that is why we are acting accordingly.

I would hate for this Parliament to slow down or unnecessarily jeopardise the passage of this legislation. If the upper house decides it is uniform legislation, so be it, but that will be the process. It will be an embarrassment to this state if we are ignored by the commonwealth, which I believe it will do if we are seen to try to amend the legislation and therefore become the only part of the commonwealth not to comply with this legislation. It will not throw out just clause 8; it will throw out the whole Western Australian bill. We will go down in history as the one legislature unwilling to see the firstborn given the right to succession, and the other aspects of the bill. I think that would be a great humiliation to this state. The member has made his point; it is on the record. That is a good thing if it is important to him. I do not think it is a telling point, but the member has made it. The member for Cannington has placed it on the public record, but please do not frustrate this legislation.

**Ms M.M. QUIRK:** I am not frustrating this legislation. With all due respect to the Premier, if he listened properly to my second reading contribution, he would also know that the term “Roman Catholic” was used pejoratively in Australia for many years and that many people take offence at being called Roman Catholic. That is just a comment. I would like to ask the Premier what his basis is for saying that the legislation will be thrown out holus-bolus? That will not be the case. It is not normally the case. What is the basis for the Premier saying the commonwealth will just ignore the whole legislation?

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**Mr C.J. BARNETT:** It is my view that the commonwealth would see the deletion of the word “Roman” as a substantial change to the legislation and it would therefore ignore this Parliament and Western Australia and proceed without us. That is what it will do. The former Labor Prime Minister made that abundantly clear.

**Mr W.J. JOHNSTON:** I just want to go to The Premier’s second reading speech, which states —  
Queensland has implemented the hybrid model.

For the benefit of *Hansard*, the hybrid model is proposed in this legislation —

New South Wales, Victoria and Tasmania have implemented the pure request model.

There is no comment about what happened in South Australia. Why are we choosing to do what Queensland has done rather than what New South Wales, Victoria and Tasmania have done, and why are we not choosing to do what South Australia has done?

**Mr C.J. BARNETT:** It is because Western Australia took the same view as Queensland: we are a sovereign state in a sovereign Parliament and therefore we should legislate in our own right. Again, I remind members that the intent of the commonwealth—I do not have a political point about this; Julia Gillard was Prime Minister and, to the best of my understanding, Tony Abbott has the same view—was that if the states do not comply, the commonwealth will legislate regardless and simply do it, so all this debate will become irrelevant in the history of succession to the Crown.

**Mr W.J. JOHNSTON:** The Premier is saying that we do not have to pass legislation in these terms; we have to pass legislation only in some terms, because only Queensland has done what we are doing. As the Premier has said, New South Wales, Victoria and Tasmania have chosen to do something else. Why have we not chosen to do what New South Wales, Victoria and Tasmania have done; indeed, why have we not chosen to do what South Australia has done? The Premier cannot have this both ways. He cannot argue that every single word has to be passed as he has presented it, even though that has not happened in the other states, and then argue that we have to do it, otherwise we will not be moving in concert with the other states. We are not moving in concert with the other states. The only state that has done what we are doing is Queensland. That means that four of the six states have not done what the Premier is saying we must do; and, if four of the six states have not done what he says we must do, what is going to happen to those states? Will they be denying women the right to succeed to the English Crown? That is not an argument. He cannot argue that unless he is also arguing in respect of New South Wales, Victoria, Tasmania and South Australia, because none of those states has passed the legislation that he says we must pass. If that is the case, what is happening? Have they gone down this bad road that the Premier is describing to us and will they be ignored by the commonwealth because they have not done what Queensland did? He cannot have it both ways.

**Mr C.J. BARNETT:** Every state has been requested to pass legislation in this form and every state has done that, but there are slight variations in the way they have done it. When this issue came up, several states said just let the commonwealth do it. Queensland and Western Australia said that we should deal with it as a sovereign state. Every state has done it with slight variations, but the wording is the same.

**Mr W.J. JOHNSTON:** The wording is not the same. We know the wording is not the same. Everybody knows that the wording is not the same. As the Premier’s second reading speech explains, the wording in each state is different. That is the reality. Given that the Premier has told us that four of the six states have not passed these words, that means that we are allowed to change them. That is the only conclusion that we can reach from the words in his second reading speech. The Premier should withdraw the legislation and just let the commonwealth do it, because he is telling us that that is what it is going to do anyway. If he does not want to have the debate, do not have the debate. If he does not want to talk about what is a Catholic and what is a Roman Catholic, he should withdraw the legislation and let the commonwealth get on with it because he says that that is what it is going to do anyway. Talk about pointless debate and pointless laws introduced by the Premier, not me. He is saying that this bill is irrelevant and that if we do not pass it exactly as he has presented it, the commonwealth will ignore us. If the commonwealth is going to ignore us, what the hell are we doing? Why are we wasting the Parliament’s time with legislation that is not needed, because that is what the Premier has said? He has said that if this legislation is amended, the commonwealth will simply get on and do whatever it wants. If it is going to get on and do whatever it wants, what difference does it make whether we delete the word “Roman”? We could delete the whole bill and the commonwealth would still do whatever it wants to do.

The Premier has told us that there would be no consequences for the monarchy of England. The Premier has told us that South Australia has not done anything. South Australia has not passed a single line of law, yet the Queen of England will still be the Queen of South Australia. We could just have legislation in Western Australia that states that the Queen of Australia is the Queen for all purposes of legislation in Western Australia; that is all

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the bill would have to say and then whatever happens with the commonwealth would be the end of the debate. The Premier should not come into this place with this nonsense false argument that we must do it with this form of words, otherwise the commonwealth will ignore us, and then say that there are unspecified consequences, when four of the six states have not done what he is saying we should do. If he just wants to get away from this problem, he should just pass a bill that states that the Queen of Australia, as determined by the commonwealth, is the Queen for all purposes in Western Australia and that would be the end of the debate. However, the Premier is choosing to include the word “Roman”. He has brought on this argument. He is trying to define who I am. They are the things that he is doing, not me. I did not ask for this debate; he asked for it. As he said in his second reading speech, Western Australia and Queensland are the only two states that are doing this.

**Mr C.J. BARNETT:** The member for Cannington is absolutely wrong. Every other state has legislated. Every other state has passed the request with the exact words to the commonwealth. There has been a lapse of time, so when we first introduced this bill, not every state had done so at that stage. Every state has now legislated; every state, with the exception of Western Australia, has passed on the formal request with the exact terminology. That is the reality. We can do nothing, but we will be ignored. I think it would be, as I said, a great embarrassment to Western Australia if the Labor Party was acting to frustrate the firstborn rising to be —

**Ms M.M. Quirk:** We are not.

**Mr C.J. BARNETT:** Labor members are; they are frustrating that deliberately. There is no doubt about that. This is about the firstborn child of an heir being the king or queen in order of birth rather than a male taking preference over a female. That is what this is about. It is as simple as that. There are consequential amendments about getting rid of the Roman Catholic clause, which we all agree with. Someone should be able to marry a Roman Catholic, and members made other points such as why can a Roman Catholic not be king or queen. Maybe that is an issue for another day. That is it. If Labor Party members want to go on the record as opposing the firstborn’s right of succession, so be it, because tomorrow I will tell people that the Labor Party opposed the firstborn becoming king or queen and therefore king or queen of Australia. Think very carefully, member. If the member wants to go down in history as a woman member of Parliament who opposes the right of a woman to succeed to the throne, be it on her head, because the Liberal and National Parties will not accept that and we will act accordingly.

**Mr W.J. JOHNSTON:** What a load of trollop! This is division 2.

**Mr C.J. Barnett:** You oppose women getting to the Crown.

**Mr W.J. JOHNSTON:** I am sorry. The Premier is doing his typical thing; he comes in here and ignores the truth.

**Mr S.K. L’Estrange** interjected.

**The DEPUTY SPEAKER:** Order, member for Churchlands!

**Mr W.J. JOHNSTON:** It is typical of the Premier. He does not read his own legislation.

**Mr S.K. L’Estrange** interjected.

**The DEPUTY SPEAKER:** Order, member for Churchlands!

**Mr W.J. JOHNSTON:** He does not read his own legislation.

**Mr S.K. L’Estrange** interjected.

**The DEPUTY SPEAKER:** Order! Member for Churchlands, I call you to order for the first time.

**Mr S.K. L’Estrange** interjected.

**The DEPUTY SPEAKER:** I call you to order for the second time. Do not argue with me, member for Churchlands.

**Mr W.J. JOHNSTON:** I want to read the words that we are debating. Division 2 is titled “Marriage and succession to the Crown”. It is not about gender. We are debating marriage. What an idiot who comes in here —

*Withdrawal of Remark*

**Mrs G.J. GODFREY:** That is inappropriate.

**The DEPUTY SPEAKER:** Member for Cannington, you can withdraw that comment; thank you.

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**Mr W.J. JOHNSTON:** I will withdraw that. I am not canvassing; I have withdrawn. However, I point out that the Speaker said that it was, in fact, parliamentary to use that word, but that is another issue. I have withdrawn unreservedly.

*Debate Resumed*

**Mr W.J. JOHNSTON:** This is not a discussion about gender. Two issues are dealt with in this bill. We are not currently dealing with the issue of gender; that comes later in the bill. We are dealing with the issue of the right of a monarch to marry a Catholic, which was denied to them by English history. The member for Armadale and I went through some of that. If a government member were to leave this chamber and say in the media tomorrow that the Labor Party opposed this legislation on the question of gender, they would be telling a lie. That would be a lie, because that is not what we are debating. We are debating a section of the bill under the heading “Part 3 – Other provisions”. We have already dealt with clause 7. I will read the clause —

**Division 1 — Succession to the Crown not to depend on gender**

**7. Succession to the Crown not to depend on gender**

In determining the succession to the Crown, the gender of a person born after 28 October 2011 (by United Kingdom time) does not give that person, or that person’s descendants, precedence over any other person (whenever born).

That clause has already been dealt with by the chamber, and it was supported by the opposition. Anyone who leaves this chamber and claims that the Labor Party opposed clause 7 of the bill will be telling a lie. If they say that, they will be a lie. We are dealing with clause 8, which is under division 2 headed “Marriage and succession to the Crown”. We have already dealt with gender, which was dealt with under clause 7, and we are now dealing with clause 8. I hope members understand that the numbers seven and eight are sequential—we did not deal with or debate clause 7—and we are now dealing with clause 8, which has nothing to do with gender. For the benefit of any members who cannot understand the written word in front of them, this is about the right of a monarch to marry a Catholic. It is not about the monarch’s gender; it is about their marriage. What an outrage, that a Premier comes in the chamber and misrepresents the truth.

**The DEPUTY SPEAKER:** Order, member. Go carefully, please.

**Mr C.J. Barnett:** Why are you opposing this?

**Mr W.J. JOHNSTON:** I am opposing this because I do not want somebody else to define my religion. I am not a Roman Catholic; I am a Catholic.

**Mr C.J. Barnett** interjected.

**The DEPUTY SPEAKER:** Order, Premier.

Several members interjected.

**The DEPUTY SPEAKER:** Order, members. Member for Armadale, I will not have debate across the chamber, thank you. Now, member for Cannington, you finish your speech, please.

**Mr W.J. JOHNSTON:** How can it be offensive? Does the Premier not get it? I am not beholden to Rome. I am not, as the member for Southern River says, a Roman Catholic. I have never been a Roman Catholic and I am not a Roman Catholic today. I never will be a Roman Catholic. I am a Catholic. I am a member of the holy apostolic Catholic Church. Our leader is the Pope who is also the Bishop of Rome. That does not make me beholden to Rome. I am not a Roman Catholic and a never have been. It does not matter how many times people say that I am, I am still not.

**Mr C.J. Barnett:** It is not about you, member for Cannington.

**Mr W.J. JOHNSTON:** It is about me.

Several members interjected.

**The DEPUTY SPEAKER:** Order, Premier.

**Mr W.J. JOHNSTON:** It is embarrassing for the Premier that he does not read his own second reading speeches or his own legislation. Anyone who leaves this chamber and says that the Labor Party opposed the gender question in clause 7 would be telling a lie.

*Question to be Put*

**Mr J.H.D. DAY:** I move —

That the question be now put.

Mr Chris Tallentire; Dr Tony Buti; Mr Bill Johnston; Mr David Templeman; Ms Andrea Mitchell; Acting Speaker; Mr Roger Cook; Mr Colin Barnett; Ms Margaret Quirk; Mr Peter Abetz; Mrs Glenys Godfrey; Deputy Speaker; Mr John Day

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Question put and passed.

*Consideration in Detail Resumed*

**Amendment put and negatived.**

**Clause 8 put and passed.**

**Clause 9 put and passed.**

**Clause 10: Amendments relating to marriage to a Roman Catholic —**

**Ms M.M. QUIRK:** I move —

Page 6, line 24 — To delete “**Roman**”

This is the same argument that I have previously made. I did not think I would need to labour the point, but I want to make two points. Firstly, this argument was never considered properly. We were given a briefing by the Premier’s staff and there was no response to us other than the fact that we had actually asked about this. The Premier did not even have the courtesy to respond in his reply to the second reading debate, and he is now telling us that there was an extensive conversation on this very point. I very much doubt that.

**Mr C.J. Barnett:** I did not say that at all.

**Ms M.M. QUIRK:** The Premier certainly implied that. Was it discussed or not?

**Mr C.J. Barnett:** It may have come up, but it was not the substantive point.

**Ms M.M. Quirk:** Okay, so it was an incidental conversation and there was no indication that if the word Roman was not there, it would not be fatal to the whole scheme.

**Mr C.J. Barnett:** It will be fatal to it.

**Ms M.M. QUIRK:** How does the Premier know that?

**Mr C.J. Barnett:** I know because I took part in hours of discussion at the Council of Australian Governments with the Prime Minister —

**Ms M.M. QUIRK:** Which the Premier is telling us —

**Mr C.J. Barnett** interjected.

**The DEPUTY SPEAKER:** Order! Premier, the member for Girrawheen has the floor.

**Ms M.M. QUIRK:** The Premier has just told us that he did not have a discussion about this particular issue, but he is suddenly in a position to know that if we leave the word Roman out, it will be fatal to the whole scheme of legislation. I wonder how the Premier knows that.

**Mr C.J. Barnett:** It is a judgement.

**Ms M.M. QUIRK:** It is a judgement. I also wonder how the Premier knows what the commonwealth’s attitude would be; bearing in mind it was not discussed.

**Mr C.J. Barnett:** The commonwealth’s view, particularly under Prime Minister Gillard—I am not critical of her, but particularly under her—was that if the states did not play along, the commonwealth would just legislate and that would be it.

**Ms M.M. QUIRK:** I will move on then. If the Premier saw a piece of legislation that stated that the monarch was free to marry a Catholic, would he interpret that as meaning the church that is under the Pope, who happens to reside in Rome but who coincidentally is Argentinian? Would he interpret that and know what the word “Catholic” means and that it has its ordinary meaning.

**Mr C.J. Barnett:** It does not matter in any substantive way how people interpret the term Roman Catholic or Catholic, but unless the wording is consistent the most likely outcome is that the Western Australian Parliament and community will be ignored on this.

**Ms M.M. QUIRK:** Premier, is it not the case that courts either take the ordinary meaning or look at the legislative intention. The Premier has made the meaning of this legislation quite clear, so it would not be fatal if the word Roman was not there, but it would be more accurate and include other members of churches in communion with the Holy See of Rome who are not Roman.

**Mrs G.J. GODFREY:** I have done quite a bit of research on this legislation, and I have spoken about it. From what members opposite have said I think there is a bit of confusion that I would like to have clarified. I understand that this legislation must be passed by each state and separately by the commonwealth, and that all

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the legislation must be the same. I heard that if the legislation is not passed in this house, the commonwealth legislation will take over. On my reading of the Constitution that is not my understanding of why this has to be done the way it is being done. I would like that to be clarified.

**Mr C.J. BARNETT:** I am advised that section 51(xxxviii) of the Constitution means that this is a necessary process to give absolute constitutional certainty. It follows a requirement of the Australian Constitution that states that if this is to be done, it has to be passed in every jurisdiction at the request of the commonwealth and the commonwealth will then enact its legislation. This process gives certainty to it. Although members might argue a theological or semantic point of view about Roman Catholic versus Catholic—I do not dispute any of that—what they are doing is placing at risk, albeit a small risk, this legislative process. It is a whole package in which every state until this point has agreed on the wording and terminology in each of its provisions to ensure that there is no doubt about the passage of this legislation across the commonwealth. We cannot just pick a little bit out and change it to suit a personal whim. Each of those provisions—the right of succession to the firstborn, the right to remove the restriction on marrying a Roman Catholic and the other requirement relating to consent to marriage.

**Mr W.J. JOHNSTON:** I think the Premier might be confused again, because the provisions relating to section 51(xxxviii) of the commonwealth Constitution appear in schedule 1 of the bill, which will be dealt with later. What we are dealing with are amendments to Western Australian laws—that is, colonial laws that may still apply in Western Australia. That is why there is a separate provision. If the Premier does what New South Wales, Victoria and Tasmania did, we would just deal with schedule 1 and we would not have this debate because we are asking the commonwealth to do something under section 51(xxxviii), which is the matter referred to by the member for Belmont. However, that is not what we are doing here. Here we are dealing with amendments relating to marriage to a Roman Catholic. I will just quote clause 10 of the bill because we are debating whether we wish to delete the word “Roman”. It states —

(1) References to an Act in this section are to that Act so far as it is part of the law of the State.

We are not even debating commonwealth law and we are not debating any law that will have an effect in Western Australia; we are debating only these ancient acts that may still be somehow valid. We are not talking about who is King or Queen of Australia, because we are not dealing with succession in relation to gender; we are dealing only with marriage at this stage, and then we go on to the Act of Settlement of England. The question to which none of us knows the answer is whether the Act of Settlement actually applies to Western Australia. I have not heard anyone talk about it and the second reading speech does not canvass it. That is the problem the Premier has put to us. Let me make it clear: I am happy to delete the words “or marry a papist”, “or shall marry a papist” or “or by any King or Queene marrying a papist”. All I am saying is, firstly, I do not think it is needed and, secondly, if we are going to do that, let us just tidy it all up instead of coming back in 10 years and amending this legislation to reflect what actually happens—that is, we are talking about Catholics and not Roman Catholics. In clause 10, the only time “Roman Catholic” appears is in the opening line of the clause and nowhere else. We are not dealing with gender, only marriage. We are not dealing with the law passed by the commonwealth, but only the rights of the sovereign Parliament of Western Australia in respect of these colonial acts if they still apply here. We do not know whether they do, but if they do, that is what this amendment would be. As I say, I do not understand why the Premier wants to take his hard line against these amendments; that is up to him. He can be obstreperous if he wants.

**Mr C.J. Barnett:** The term “Roman Catholic” is used in the UK legislation.

**Mr W.J. JOHNSTON:** Okay, but the problem, Premier, is that we are not dealing with the UK legislation; we are dealing with the Western Australian legislation.

**Mr C.J. Barnett:** We are talking about the succession of the Crown, which is predominantly UK legislation.

**The DEPUTY SPEAKER:** Order, Premier!

**Mr W.J. JOHNSTON:** No, that comes later, Premier; read your damn bill! Schedule 1 is what the Premier is referring to. We are referring to clause 10, which is about amending laws of Western Australia. If the Premier is saying that these ancient laws apply—I do not know that they apply because nowhere in the second reading speech did the Premier say they apply and nowhere in the bill does it say they apply—four out of the six states say they do not. We are a sovereign Parliament. We are not amending what happens in Westminster; we are amending what happens in Western Australia. Therefore, it does not matter. There is no reason to do exactly what is happening in Westminster—none at all—because we are a sovereign Parliament. We can make any decision we want. If the Premier is worried about what happens in the commonwealth, that is a separate provision under schedule 1. I understand that schedule 1 has been passed by all the other state Parliaments

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referred to, but the words the Premier is asking us to deal with have not been dealt with in those other states according to the Premier's second reading speech.

**Mr C.J. Barnett:** They have.

**Mr W.J. JOHNSTON:** No, they have not, Premier. The Premier said the only state —

**Mr C.J. Barnett:** The second reading speech was a while ago. Every other state has complied.

**Mr W.J. JOHNSTON:** No, that is not true.

**Mr C.J. Barnett:** It is. Every other state has complied.

**Mr W.J. JOHNSTON:** The Premier said that Queensland has implemented the hybrid model. That is the only state that has done this; none of the other states has done it—only Western Australia and Queensland are doing what the Premier is asking us to do. They are the only two states. No other state has done it. If no other state has done it, we do not have to do it. The Premier is choosing to do it and if we are going to choose to do it because we are a sovereign Parliament, we should do it properly.

**Mr C.J. Barnett** interjected.

**The DEPUTY SPEAKER:** Premier, if you are going to answer, will you stand.

*Question to be Put*

**Mr J.H.D. DAY:** I move —

That the question be now put.

Question put and passed.

*Consideration in Detail Resumed*

**Amendment put and negatived.**

**Clause put and passed.**

**Clause 11: *Royal Marriages Act 1772* repealed —**

**Mr W.J. JOHNSTON:** This clause states —

The *Royal Marriages Act 1772* of Great Britain, so far as that Act is part of the law of the State, is repealed.

Could the Premier tell us to what extent it is part of the law of the state?

**Mr C.J. BARNETT:** The only thing I will tell the member is that he and the member for Girrawheen, to the best of my knowledge, are the only two people in the Australian commonwealth, maybe even the British commonwealth itself, who are opposing the reform of the succession rules to the monarchy. That is what they are doing. They are doing everything they can to frustrate it.

**Ms M.M. Quirk** interjected.

**Mr C.J. BARNETT:** It is not because the member for Girrawheen opposes the content or the intent of bill; the member is doing it purely for political frustration. I look forward tomorrow to the member going out to the media and explaining why she is frustrating the reform of the monarchy, which I would say 99.9 per cent of Australians would agree with. The member is doing it simply in a belligerent way and that will be on her head, because we will be talking about that throughout the week.

**Mr W.J. JOHNSTON:** Let us get at what just happened. I asked a very simple question. The bill does not state that the *Royal Marriages Act 1772* of Great Britain applies in Western Australia—it does not even state that. Why do we not just say that the *Royal Marriages Act 1772* of Great Britain is repealed? The bill does not say that. It states, “so far as that Act is part of the law of the State”. All I asked was: to what extent is it part of the law of the state? The Premier is incapable of answering. Then he had the audacity to give me a lecture. It is the Premier's bill and he does not know what it means. It is an outrage. As I said before, if any person were to leave this chamber and say that I was trying to frustrate the changes to the succession, they would be telling a lie because it is not true.

**Mr F.A. Alban** interjected.

**The DEPUTY SPEAKER:** Order, member!

Mr Chris Tallentire; Dr Tony Buti; Mr Bill Johnston; Mr David Templeman; Ms Andrea Mitchell; Acting Speaker; Mr Roger Cook; Mr Colin Barnett; Ms Margaret Quirk; Mr Peter Abetz; Mrs Glenys Godfrey; Deputy Speaker; Mr John Day

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**Mr W.J. JOHNSTON:** I think it is very interesting that Liberals laugh at religion. I had a member sit here and tell me about my religion—two of them.

**Mr P. Abetz:** It's not about your religion.

**Mr W.J. JOHNSTON:** It is about it.

Several members interjected.

**The DEPUTY SPEAKER:** Order, members!

**Mr P.T. Miles:** Mr Ego!

**Mr W.J. JOHNSTON:** Have we finished, member for Wanneroo?

**Mr P.T. Miles:** You're the one with the ego.

**The DEPUTY SPEAKER:** Member for Wanneroo!

**Mr W.J. JOHNSTON:** I just love this. I love the fact that the Liberal Party makes fun of my religion. That is great! That is the sort of thing that happens in this chamber.

Several members interjected.

**The DEPUTY SPEAKER:** Order, member for Cannington!

**Mr W.J. JOHNSTON:** That is totally within the standing orders, Madam Deputy Speaker. I have made no allegation that is not true. These people cannot help themselves. They cannot help it. They do not like the fact that there is religion on all sides of this chamber. They want to wrap themselves in Christianity.

Several members interjected.

**The DEPUTY SPEAKER:** Order, members!

*Point of Order*

**Ms M.M. QUIRK:** The constant interjection from the other side of the chamber is disorderly.

Several members interjected.

**The DEPUTY SPEAKER:** Order, members!

**Mr W.J. JOHNSTON:** I understood there was a point of order, Madam Deputy Speaker.

**The DEPUTY SPEAKER:** The point of order is not taken, but I acknowledge that it was becoming too rowdy, so if members could please just allow the member for Cannington to speak.

*Debate Resumed*

**Mr W.J. JOHNSTON:** Let us get straight what we are not doing: we are not changing the law in Westminster. That is not what clause 11 does. Neither are we dealing with schedule 1, which is the request of the commonwealth. We are dealing with laws of Western Australia and the only reason we are being asked to do that is an assertion that the Western Australian Parliament is a sovereign Parliament and these are laws of Western Australia. In this clause it says, "so far as that Act is part of the law of the State", and I asked: what extent is it part of our laws? The Premier did not answer that, but I understand he will now. Let us understand what happened. Instead of answering my question, he gave a personal rant about me.

**Mr C.J. Barnett:** I did not.

**Mr W.J. JOHNSTON:** Does the Premier not get it? If he wants to deal with the legislation, deal with the legislation, but do not make fun of people on this side of the chamber.

**Mr C.J. BARNETT:** In no way did I make fun. As I said to the member for Cannington, his religion and how he interprets it is a matter for him, as it is for any other citizen of this country. They are his beliefs, but I remind him that this is not about him; this is about ensuring reform to the —

**Ms M.M. Quirk** interjected.

**The DEPUTY SPEAKER:** Member for Girrawheen!

**Mr C.J. BARNETT:** This is about reform to the Crown as it affects Britain, Australia and Western Australia. With respect to his question, I am referring to a Law Reform Commission report called "Project 75—United Kingdom statutes in force in Western Australia". From that, which was given to me by my adviser, I advise the member that the UK Royal Marriages Act 1772 applies as the law of Western Australia.

**Mr W.J. JOHNSTON:** Thank you very much. What would be the effect of not passing this provision?

Mr Chris Tallentire; Dr Tony Buti; Mr Bill Johnston; Mr David Templeman; Ms Andrea Mitchell; Acting Speaker; Mr Roger Cook; Mr Colin Barnett; Ms Margaret Quirk; Mr Peter Abetz; Mrs Glenys Godfrey; Deputy Speaker; Mr John Day

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**Mr C.J. BARNETT:** The effect would be that the people of Western Australia would be unable to express their will through their Parliament that the first born should rise to the Crown.

**Mr W.J. JOHNSTON:** I am not quite sure how that would be, given that the Royal Marriages Act 1772 does not relate to the question of the first-born child ascending to the Crown. It relates to the question of who a sovereign may marry. Given that it is not related to a child becoming a sovereign, whether it is a male or female, could the Premier please let us know the effect of not repealing the Royal Marriages Act 1772 of Great Britain?

*Question to be Put*

**Mr J.H.D. DAY:** I move —

That the question be now put.

Question put and passed.

*Consideration in Detail Resumed*

**Clause put and passed.**

**Clauses 12 to 14 put and passed.**

**Schedule 1: Requested Commonwealth Act —**

**Mr W.J. JOHNSTON:** Now that we are dealing with the provision that asks the commonwealth to change the law that relates to the question asked by the member for Belmont, this is the first occasion that section 51(xxxviii) is dealt with in this Succession to the Crown Bill. Am I to take it that schedule 1 reflects the arrangements passed in New South Wales, Victoria and Tasmania and, by implication, subsequently South Australia. Is that what the Premier is telling the chamber?

**Mr C.J. BARNETT:** Yes; each state, with the exception of Western Australia, has requested the commonwealth pass this schedule as it appears in this bill.

**Mr W.J. JOHNSTON:** Is this the only provision of this bill that deals with commonwealth law? As the Premier has explained, the other provisions deal with Western Australian law. When the member for Belmont raises the question of section 51(xxxviii), this is the only occasion on which we are dealing with section 51(xxxviii).

**Mr C.J. BARNETT:** How stupid would Western Australia look if the wording of its own legislation differed from the wording in the request it makes to the commonwealth? It would say that we cannot even agree amongst ourselves. Clearly, what we pass through our state legislation must have the same wording as the formal request of the commonwealth. I remind the member that every other state has passed legislation with a request to the commonwealth, which has gone to the commonwealth, and it has the exact same wording of this request; the request being schedule 1.

**Mr W.J. JOHNSTON:** The implication of that answer is that, apart from Queensland, no other state has carried all the other provisions in the bill. They have passed only schedule 1. Does the Premier understand that he cannot have this argument both ways? If he wants to do what all the other states are doing as in schedule 1, he should go for it. But if he is referring to the other provisions, that is not what happened in the other states. I wonder how New South Wales, Victoria and Tasmania and, by implication, South Australia, will survive having passed only schedule 1 and not the other provisions of the bill?

*Question to be Put*

**Mr J.H.D. DAY:** I move —

That the question be now put.

Question put and passed.

*Consideration in Detail Resumed*

**Schedule 1 put and passed.**

**Preamble —**

**Mr W.J. JOHNSTON:** Is this preamble in the same words as the preamble in the Victorian, New South Wales, Tasmanian and South Australian legislation?

**Mr C.J. BARNETT:** I am advised that it is slightly different because, as the member is aware, we are doing our own state substantive legislation, so it is slightly different legislation.

Mr Chris Tallentire; Dr Tony Buti; Mr Bill Johnston; Mr David Templeman; Ms Andrea Mitchell; Acting Speaker; Mr Roger Cook; Mr Colin Barnett; Ms Margaret Quirk; Mr Peter Abetz; Mrs Glenys Godfrey; Deputy Speaker; Mr John Day

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**Ms M.M. Quirk** interjected.

**The DEPUTY SPEAKER:** Order, member for Girrawheen, the Premier is answering the question.

**Mr C.J. BARNETT:** The point is that it is the same but with slight variation between jurisdictions. The important thing is that the request to the commonwealth is identical. It seems to me to be logical that the state legislation be identical in its wording to the request we make to the commonwealth. All I can say is that it is now on the public record that the members for Girrawheen and Cannington have done all they could for the past two hours to frustrate the passage of legislation that I would say almost every man, woman and child in this country, except for those two, would agree with. Of course the first born should become either king or queen and that should not be determined by their sex. Of course the restriction that “a person who is an heir to the Crown cannot marry a Roman Catholic” should be removed; and, of course, the monarch should not be required to approve the marriage of an heir to the throne. Why try to frustrate that? The member for Girrawheen may have some anti-points and may think she is very clever. I do not; I think the opposite. For the member to come in here as a female member of Parliament and frustrate this important legislation is to her shame.

**Dr A.D. BUTI:** I think the Premier’s contribution then was appalling. The Premier may disagree with the contribution of the members for Cannington and Girrawheen about whether the term should be “Roman Catholic” or “Catholic”. That is in no way linked to the gender issue.

**Mr C.J. Barnett:** That is what the bill is about.

**Dr A.D. BUTI:** I am sure the Premier knows about severance. I am sure he realises parts of the bill can be severed. Just because a member does not agree with one part of the bill, that should not link the opposition to another part of the bill. Nothing the member for Girrawheen or the member for Cannington has said has opposed anything in the legislation regarding the gender issue.

**Mr C.J. Barnett:** They have frustrated it for two hours.

**Dr A.D. BUTI:** For the Premier to, as usual, try to attach words to them or verbal what they have said is a shame on him. He may disagree with their assessment of the Roman Catholic definition but I must say that the contribution of the member for Girrawheen in her second reading contribution remains unanswered by the Premier. I think it is an important issue regardless of whether someone is considered a Roman Catholic. For the Premier to seek to link to the gender issue the opposition that the members for Cannington and Girrawheen have tried to prosecute is a shame on the Premier. Not once during the second reading debate or in consideration in detail have they ever said that they opposed the gender issue. Shame on the Premier for seeking to link that.

**Mr C.J. Barnett:** They have opposed this bill.

**Dr A.D. BUTI:** No, they have not; they have opposed certain sections. The Premier knows about severance of provisions; he knows how provisions of a bill can be severed. One part of a bill can be removed and the rest of the bill can remain intact. The Premier knows that; he should not try to verbal members and mislead this Parliament.

*Question to be Put*

**Mr J.H.D. DAY:** I move —

That the question be now put.

Question put and passed.

*Consideration in Detail Resumed*

**Preamble put and passed.**

**Title put and passed.**

*House adjourned at 10.00 pm*

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