

UPDATING LEGISLATIVE REFERENCES TO HER MAJESTY QUEEN ELIZABETH II

Prime Minister, we recommend you:

1. Agree to provide policy approval for the measures in the proposed Crown References Amendment Bill, an omnibus bill to update legislative references to Her Majesty Queen Elizabeth II, such as 'the Queen', 'Her Majesty' or 'Her Majesty Queen Elizabeth II' in various Commonwealth Acts to 'the Sovereign', or similar.

Agreed / Not Agreed

2.

s 47C, s 47B

s 47C, s 47B

s 22(1)(a)(ii)

s 22(1)(a)(ii)

Agreed / Not Agreed

ANTHONY ALBANESE

Date:

18/9/23

Comments:

KEY POINTS

1. There are references to Her Majesty Queen Elizabeth II in various Commonwealth Acts. As a general matter, provisions in the *Acts Interpretation Act 1901* operate so that these references are construed as references to the present Sovereign, His Majesty King Charles III.
 - a. However, the Department of the Prime Minister and Cabinet (PM&C) considers there to be benefit in progressing amendments to reflect the accession of a new Sovereign. In particular, the Department recommends updating current references to Her Majesty Queen Elizabeth II to neutral references to 'the Sovereign', or similar. The current framing of the proposed Bill would, where possible, minimise the use of gendered pronouns, such as 'His' or 'Her'.
2. PM&C has worked with the Office of Parliamentary Counsel to identify references and undertake scoping work for necessary amendments (see Attachment A, table of proposed amendments to Commonwealth Acts). PM&C proposes progressing the Crown References Amendment Bill (the Bill) for introduction in the 2023 Spring sitting to amend these references.
 - a. Subject to your agreement, PM&C will work with the Hon Patrick Gorman MP, Assistant Minister to the Prime Minister to progress this Bill.
 - b. PM&C has liaised with the other departments whose portfolio legislation will be affected. No concerns have been raised.
 - c. The Bill does not amend all legislative references to Her Majesty Queen Elizabeth II. For example, it does not make amendments to the *Royal Style and Titles Act 1973* and the *Australia Act 1986*, which likely require the request or concurrence of all state Parliaments.

3.

s 42, s 47B, s 47C

SUPPLEMENTARY INFORMATION

Regency Act

4. The UK *Regency Act 1937* provides for the exercise of the Sovereign's functions during the Sovereign's minority, incapacity or absence. In the event of illness or absence from the United Kingdom, the Sovereign may delegate to the Counsellors of State the performance of royal functions. The Counsellors of State comprise the spouse of the monarch and the next four adult persons in the line of succession to the throne.

a.

s 42

5. s 47C, s 42

Australia Act 1986

6. The *Australia Act 1986* terminated the power for the UK Parliament to legislate with effect in Australia and eliminated any remaining methods of appeal from any Australian court to a British court. The enactment of the Australia Act relied on the states passing enabling Acts as section 15 of the Act provides it can only be amended at the request or with the concurrence of the Parliaments of all the states.

Royal Style and Titles Act 1973

7. The *Royal Style and Titles Act 1973* sets out the official style and title adopted for Her Majesty Queen Elizabeth II, for use in Australia. A new Royal Style and Titles Act would set out the official style and title adopted for His Majesty King Charles III.

s 22(1)(a)(ii)

s 22(1)(a)(ii)

Financial Implications

9. Nil

Consultation

PM&C DIVISIONS – Office of Impact Analysis, IRRD

DEPARTMENTS – Treasury, Attorney-General's Department, Office of Parliamentary Counsel, Finance, Veterans' Affairs, Defence, Infrastructure, Transport, Regional Development, Communication and the Arts, Home Affairs, Employment and Workplace Relations

Autumn Field

Assistant Secretary

Legal Policy Branch

7 June 2023

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s 22(1)(a)(ii)

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s 22(1)(a)(ii)

Circulation

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PMO Chief of Staff; Chris Owens; s 22(1)(a)(ii)

Cabinet Secretary

AMO s 22(1)(a)(ii)

s 22(1)(a)(ii)

ATTACHMENTS:

ATTACHMENT A TABLE OF PROPOSED AMENDMENTS