

State Arms, Symbols and Emblems Act 2004 No 1

[2004-1]



New South Wales

Status Information

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Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Authorisation

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State Arms, Symbols and Emblems Act 2004 No 1



New South Wales

An Act with respect to the use of the arms, symbols and emblems of the State.

1 Name of Act

This Act is the *State Arms, Symbols and Emblems Act 2004*.

2 Commencement

This Act commences on the date of assent.

3 Definitions

In this Act:

Heritage Council means the Heritage Council of New South Wales established under the *Heritage Act 1977*.

official purpose does not include a merely historical or heritage purpose (such as the purpose of a museum or historical exhibition).

Royal arms of the United Kingdom means the arms of sovereignty and dominion borne by Her Majesty Queen Elizabeth II in her capacity as Queen of the United Kingdom of Great Britain and Northern Ireland (as used in England, Scotland or any other part of that kingdom) or by any of her predecessors in the sovereignty of that kingdom or any part of it, which are also collectively known as the Royal arms, and includes any arms that replace those arms.

State arms means the armorial ensigns and supporters the blazon of which is set out in Part 1 of Schedule 1 and an indicative monochrome depiction of which is set out in Part 2 of Schedule 1. The State arms may be depicted in the colours set out in the blazon or in monochrome.

State emblem means any flower, animal, bird or other animate or inanimate object the description of which is set out in Schedule 3.

State symbols means:

- (a) the State badge the blazon of which is set out in Part 1 of Schedule 2 and an indicative monochrome depiction of which is set out in Part 2 of Schedule 2 (the State badge may be depicted in the colours set out in the blazon or in monochrome), and
- (b) the State flag a description of which is set out in Part 1 of Schedule 2 and an indicative monochrome depiction of which is set out in Part 2 of Schedule 2, and
- (c) any other symbol or thing the blazon or a description of which is set out in Part 1 of Schedule 2 and an indicative monochrome depiction of which is set out in Part 2 of Schedule 2.

to use the State arms or a State symbol includes to display the State arms or State symbol.

4 State arms or symbols to be used for all official purposes

- (1) Whenever after the commencement of this Act, in a Parliament building, a courthouse, an office or official residence of the Governor or a Government office, in any other building or place, or on any official seal or document, or in any other connection, arms representing the authority of the Crown or the State are to be used for any official purpose, the State arms are or a State symbol is to be used, and not the Royal arms of the United Kingdom.
- (2) The State arms and each State symbol may be depicted in any manner that is consistent with the relevant blazon or description in Schedule 1 or 2.
- (3) The Premier may adopt, and from time to time amend, guidelines to assist government departments and instrumentalities and others in the proper use of State arms and State symbols.
- (4) The State arms may be used with such external ornaments as are consistent with their status as arms and symbols of dominion and sovereignty.

5 Replacement of Royal arms of the United Kingdom

- (1) As soon as practicable after the commencement of this Act, any Royal arms of the United Kingdom used to represent the authority of the Crown in right of the State or the State in or on any public building, or public place that is the property of the Crown in right of the State or of the State and is intended to represent the authority of the Crown in right of the State or of the State, are to be removed and replaced by the State arms.
- (2) As soon as practicable (but in any event within 3 years) after the commencement of this Act, any Royal Arms of the United Kingdom on any document, seal or other object (not being a fixture or otherwise part of a building) that is the property of the Crown in right of the State or of the State, and is intended to be used to represent the authority of the Crown in right of the State or of the State, are to be removed and replaced by

the State arms.

- (3) Subsection (1) does not apply in relation to a building or place in respect of which the Premier, after consultation with the Heritage Council, determines that the Royal arms of the United Kingdom there displayed form an integral part of an item of the environmental heritage of the State.
- (4) In any building or place to which subsection (1) does not apply because of subsection (3), the State arms must be used and displayed in a prominent position to represent the authority of the Crown in right of the State or the State, as the case may be, in addition to the Royal arms of the United Kingdom while they continue to be displayed there.
- (5) Sculpted arms, or arms in any durable form, that are removed in accordance with this section are to be housed or otherwise dealt with in such manner as the Premier, after consultation with the Heritage Council, may direct. Such a direction is to be aimed at their being housed or otherwise dealt with in a manner that, whether they are to be held in public or private ownership, will ensure their appropriate conservation, interpretation and display as part of the constitutional, legal, cultural and artistic heritage of the State.
- (6) Consultation with the Heritage Council is sufficient for the purposes of this section if the Premier has requested advice from the Council about the matter concerned and has taken into consideration any response received from the Council within 60 days of making the request.

6 Unauthorised use of State arms and State symbols

- (1) A person must not print, issue or use the State arms or a State symbol in connection with any trade, business, calling or profession, or the collection of debts, without the authority of the Governor or Attorney General proof of which lies on the person.
- (2) This section does not require any such authority for a person to fly the State flag.
- (3) In this section, **State arms** and **State symbol** include any arms or symbol so nearly resembling the State arms or a State symbol as to be likely to deceive.

Maximum penalty: 100 penalty units.

7 Nature of proceedings for offences

Proceedings for an offence under this Act may be dealt with summarily before the Local Court.

8 (Repealed)

Schedule 1 State arms

(Section 3)

Part 1 Blazon

Azure a cross argent voided gules charged in the centre chief point with a lion passant guardant, and on each member with a mullet of eight points or between in the first and fourth quarters a fleece or banded argent and in the second and third quarters a garb also or: And for a crest, on a wreath of the colours a rising sun each ray tagged with a flame of fire proper: And for the supporters, on the dexter side a lion rampant guardant: And on the sinister side a kangaroo both or, together with this motto, "Orta Recens Quam Pura Nites," (Recently arisen, how brightly you shine)

Note—

At the commencement of this Act, the State arms were the armorial ensigns and supporters assigned for New South Wales by Royal warrant of His Majesty King Edward VII on 11 October 1906.

Part 2 Indicative monochrome depiction

State arms



Schedule 2 State symbols

(Section 3)

Part 1 Blazon or description of symbol

State badge—Argent, on a cross gules a lion passant guardant or, between four stars of eight points also or.

Note—

At the commencement of this Act, the State badge was the former colonial badge adopted by the then Governor by notification in the Gazette of 15 February 1876.

State flag—The British Blue Ensign, being a dark blue flag with the Union Flag (also known as the Union Jack) in canton, bearing in the fly the State badge.

Note—

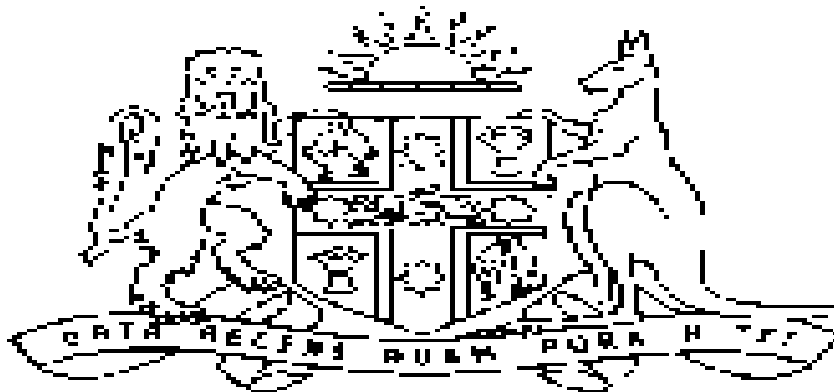
At the commencement of this Act, the State flag was the former colonial flag adopted following the gazettal of the State badge on 15 February 1876.

Part 2 Indicative monochrome depiction of symbol

State badge



State flag



Schedule 3 State emblems

(Section 3)

The animal emblem of New South Wales is the platypus (*Ornithorhynchus anatinus*).

The bird emblem of New South Wales is the kookaburra (*Dacelo novaeguineae*).

The floral emblem of New South Wales is the waratah (*Telopea speciosissima*).

The state fish of New South Wales is the blue groper (*Achoerodus viridis*).

The gemstone emblem of New South Wales is the black opal.

The fossil emblem of New South Wales is *Mandageria fairfaxi*.