

Queensland



ANNO OCTAVO

ELIZABETHAE SECUNDAE REGINAE.

No. 39.

An Act Relating to the Badge, Arms and Floral Emblem of the State of Queensland, and to Prohibit the Unauthorised Assumption or Use of such Badge or Arms.

[ASSENTED TO 19TH NOVEMBER, 1959.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as "*The Badge, Arms and Floral Emblem of Queensland Act of 1959.*" Short title.

2. The Cooktown Orchid (*Dendrobium bigibbum* Floral Emblem var. *phalaenopsis*) shall be the Floral Emblem of the State of Queensland.

3. In this Act "lawful authority" means the Lawful authority. authority of the Queen, or of the Governor in Council, or of the Premier and Chief Secretary, or of a law of the Commonwealth.

Prohibition of the unauthorised assumption or use of the Badge or Arms of the State.

4. (1.) A person who without lawful authority (proof whereof shall lie upon the person accused)—

- (i.) Assumes or uses in connection with—
 - (a) Any trade, business, calling or profession ;
or
 - (b) Any club or any body or association of persons whatsoever, including, but without limit to the generality of the provisions of this paragraph, any club or any body or association of persons formed for the purpose of playing any game or athletic sport whatsoever ; or
- (ii.) Prints, publishes, or distributes, or sends or delivers to any other person, or causes to be printed, published, or distributed, or sent or delivered to any other person any written or printed matter whatsoever in or upon which appears or appear,

the Badge or Arms of the State of Queensland or any Badge or Arms so nearly resembling the Badge or Arms of the State of Queensland as to be likely to deceive shall be guilty of an offence and liable to a penalty of not more than fifty pounds.

(2.) Where the Badge or Arms of the State of Queensland, or any Badge or Arms so nearly resembling the Badge or Arms of the State of Queensland as to be likely to deceive is or are assumed or used, or any written or printed matter is printed, published, distributed, or sent or delivered to any person in connection with a club or a body or association of persons which is not a body corporate in contravention of the provisions of subsection one of this section, then every member of the governing body by whatever name called and every officer of that club, body or association shall be deemed to have committed that offence and shall be liable accordingly, unless he proves that he did not know and could not, by the use of due diligence, have known of the commission of that offence.

(3.) The Premier and Chief Secretary may from time to time notify in the *Gazette* the Badge and Arms which are respectively the Badge and Arms of the State of Queensland and may by a further notification so published revoke or vary a prior such notification.

Judicial notice shall be taken of every such notification in any proceeding for an offence under this section.

5. Offences against this Act may be prosecuted in a summary way under "*The Justices Acts, 1886 to 1958*," upon the complaint of any person thereunto authorised in writing by the Premier and Chief Secretary. ^{Recovery of penalties.}

Any person who continues any offence against this Act after he is convicted therefor shall be liable to a further penalty of not more than ten pounds for each and every day on which he so continues that offence.
