



Emblems of Queensland Act 2005

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Reprint note

Powers under the *Reprints Act 1992* have been used in this reprint to bring the legislation into line with current drafting practice or to make minor editorial changes.

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Queensland

Emblems of Queensland Act 2005

Contents

		Page
Part 1	Preliminary	
1	Short title	3
2	Dictionary	3
Part 2	State arms, State badge and State flag	
3	State arms, State badge and State flag	3
4	Unauthorised assumption, use or publication of State arms or State badge prohibited	4
6	Prosecution of offences	5
7	Delegation by Minister	5
8	Armorial insignia prescribed for use	6
Part 3	Other State emblems	
9	Other State emblems in sch 4	6
Part 4	General	
10	Regulation-making power	6
Part 5	Repeal and transitional provisions	
11	Repeal	7
12	References to repealed Act	7
13	Lawful authority under repealed Act	7
Schedule 1	State arms	8
Part 1	Heraldic description	
Part 2	Monochrome pictorial description	
Schedule 2	State badge	10
Part 1	Heraldic description	
Part 2	Monochrome pictorial description	
Schedule 3	State flag	12
Part 1	Written description	
Part 2	Monochrome pictorial description	

Contents

Schedule 4	Other State emblems	13
1	Floral emblem	13
2	Faunal emblem	13
3	Bird emblem	13
4	Gem emblem	13
5	Aquatic emblem	13
Schedule 5	Dictionary	14

Emblems of Queensland Act 2005

An Act relating to the State arms, State badge, State flag and other State emblems, and to prohibit unauthorised assumption, use or publication of the State arms or State badge

Part 1 Preliminary

1 Short title

This Act may be cited as the *Emblems of Queensland Act 2005*.

2 Dictionary

The dictionary in schedule 5 defines particular words used in this Act.

Part 2 State arms, State badge and State flag

3 State arms, State badge and State flag

- (1) The State arms are as described in schedule 1.
- (2) The State badge is as described in schedule 2.
- (3) The State flag is as described in schedule 3.

4 Unauthorised assumption, use or publication of State arms or State badge prohibited

- (1) A person must not—
- (a) assume, use or publish the State arms or State badge in connection with a relevant enterprise without lawful authority; or
 - (b) otherwise assume, use or publish the State arms or State badge without reasonable excuse.

Maximum penalty—50 penalty units.

- (2) In a proceeding, the onus is on the defendant to prove lawful authority.
- (3) In this section—

lawful authority means the authority of—

- (a) the Queen; or
- (b) the Governor in Council; or
- (c) the Minister; or
- (d) an Act; or
- (e) a law of the Commonwealth.

publish includes—

- (a) print; and
- (b) cause to be printed; and
- (c) distribute, deliver or send, electronically or otherwise; and
- (d) cause to be distributed, delivered or sent, electronically or otherwise; and
- (e) publish to a single person.

relevant enterprise means any of the following—

- (a) a club or association;
- (b) a business;
- (c) a profession, trade or calling.

State arms includes anything that depicts or substantially resembles the State arms.

State badge includes anything that depicts or substantially resembles the State badge, but does not include the State badge appearing as part of the State flag.

6 Prosecution of offences

- (1) An offence against this Act may be prosecuted—
 - (a) summarily under the *Justices Act 1886*; and
 - (b) on the complaint of a person authorised in writing by the Minister to make the complaint.
- (2) A person who continues an offence against this Act after the person is convicted—
 - (a) may be charged in 1 or more complaints for periods the offence continues; and
 - (b) is liable to a further penalty of not more than 10 penalty units for each day on which the person continues the offence.

7 Delegation by Minister

- (1) The Minister may delegate to an appropriately qualified officer of the department the Minister's authority to authorise a person to assume, use or publish the State arms or State badge.
- (2) In this section—

appropriately qualified, in relation to the exercise of a power, means having the qualifications, experience or standing appropriate to the exercise of the power.

Example of standing—

an officer's classification level in the public service

8 Armorial insignia prescribed for use

- (1) This section applies if an armorial insignia, however described, is prescribed for use under an Act for a document, seal, or otherwise as a mark of authority relating to the State, whether the word ‘State’, ‘Queensland’ or ‘Crown’ is used.
- (2) The use for that purpose of a representation of the State arms is taken to be, and to always have been, sufficient in law to comply with that prescription.
- (3) In this section—
armorial insignia includes a representation of an armorial insignia.

State arms includes any form in which the State arms is or was granted at a material time or at any previous time.

Part 3 Other State emblems

9 Other State emblems in sch 4

Schedule 4 sets out other State emblems.

Part 4 General

10 Regulation-making power

The Governor in Council may make regulations under this Act.

Part 5 **Repeal and transitional provisions**

11 **Repeal**

The Badge, Arms, Floral and other Emblems of Queensland Act 1959 No. 39 is repealed.

12 **References to repealed Act**

A reference in an Act or other document to the repealed Act may, if the context permits, be taken as a reference to this Act.

13 **Lawful authority under repealed Act**

- (1) This section applies to a person who, immediately before the commencement, had lawful authority under the repealed Act.
- (2) On the commencement, the person is taken to have lawful authority under section 4.

Schedule 1 State arms

section 3(1)

Part 1 Heraldic description

For arms, per fesse the Chief Or, the Base per pale Sable and Gules, in Chief a Bull's head caboshed in profile muzzled a Merino Ram's head respecting each other proper, the dexter Base charged with a Garb also Or and the sinister Base on a Mount a Pile of Quartz issuant therefrom a Gold Pyramid in front of the Mount a Spade surmounted by a Pick saltirewise all proper.

And for the crest, on a wreath of the Colours, a Mount thereon a Maltese Cross Azure surmounted with a Royal Crown between 2 sugar-canes all proper.

And for the Supporters, on the dexter side a Red Deer and on the sinister side a Brolga wings elevated and addorsed both proper, below on a scroll this motto, 'Audax at Fidelis'.

Part 2

**Monochrome pictorial
description**



Schedule 2 State badge

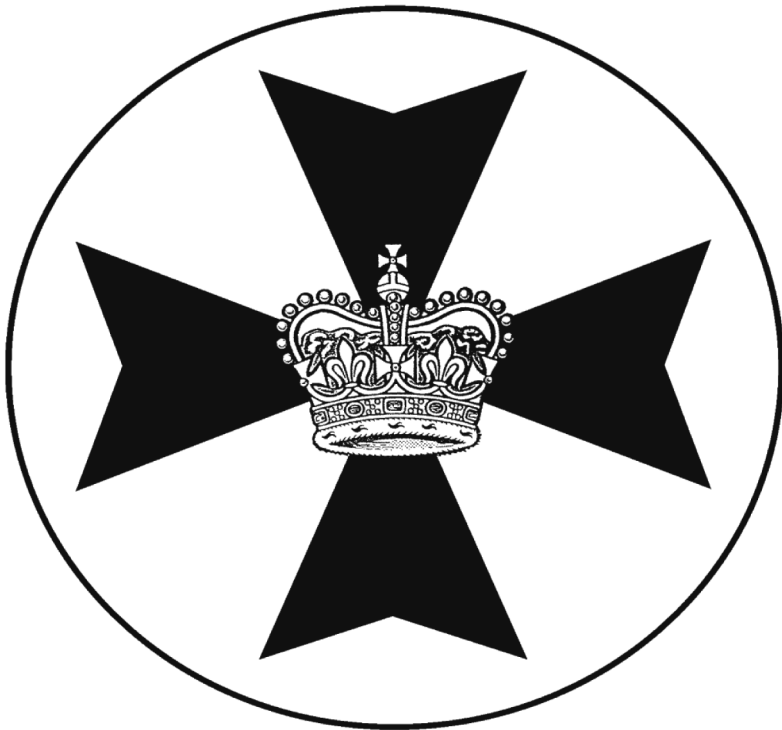
section 3(2)

Part 1 Heraldic description

On a roundel Argent a Maltese Cross Azure surmounted with a Royal Crown.

Part 2

**Monochrome pictorial
description**



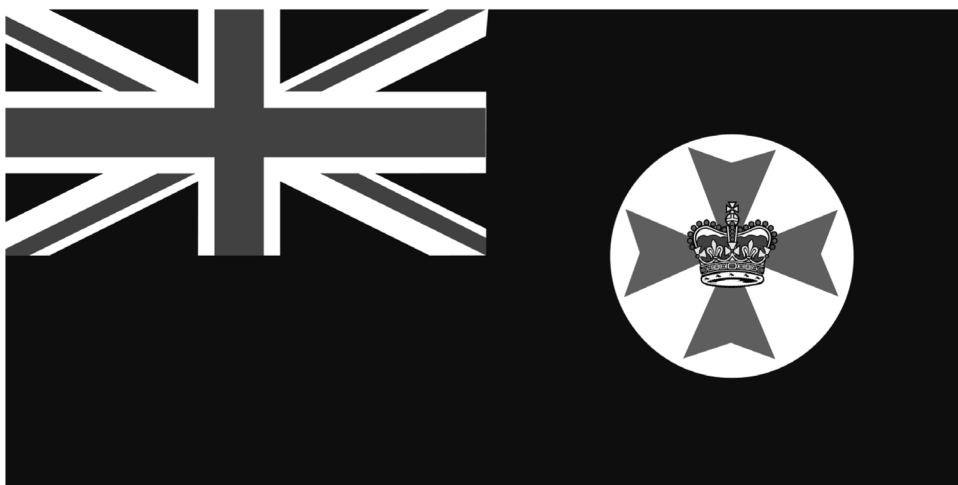
Schedule 3 State flag

section 3(3)

Part 1 Written description

The State flag is the British Blue Ensign, consisting of a dark-blue field with the Union flag occupying the upper hoist, differenced in the fly by the State badge.

Part 2 Monochrome pictorial description



Schedule 4 Other State emblems

section 9

1 Floral emblem

The Cooktown orchid (*Dendrobium bigibbum* var. *phalaenopsis*) is the State's floral emblem.

2 Faunal emblem

The koala (*Phascolarctos cinereus*) is the State's faunal emblem.

3 Bird emblem

The brolga (*Grus rubicunda*) is the State's bird emblem.

4 Gem emblem

The sapphire, of any colour, is the State's gem emblem.

5 Aquatic emblem

The barrier reef anemone fish (*Amphiprion akindynos*) is the State's aquatic emblem.

Schedule 5 Dictionary

section 2

State arms means the coat of arms of the State.

State badge means the badge of the State.

State emblem means an emblem of the State.

State flag means the flag of the State.