



# **Emblems of Queensland Act 2005**

**Current as at 4 December 2023**

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## Queensland

# Emblems of Queensland Act 2005

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# 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**

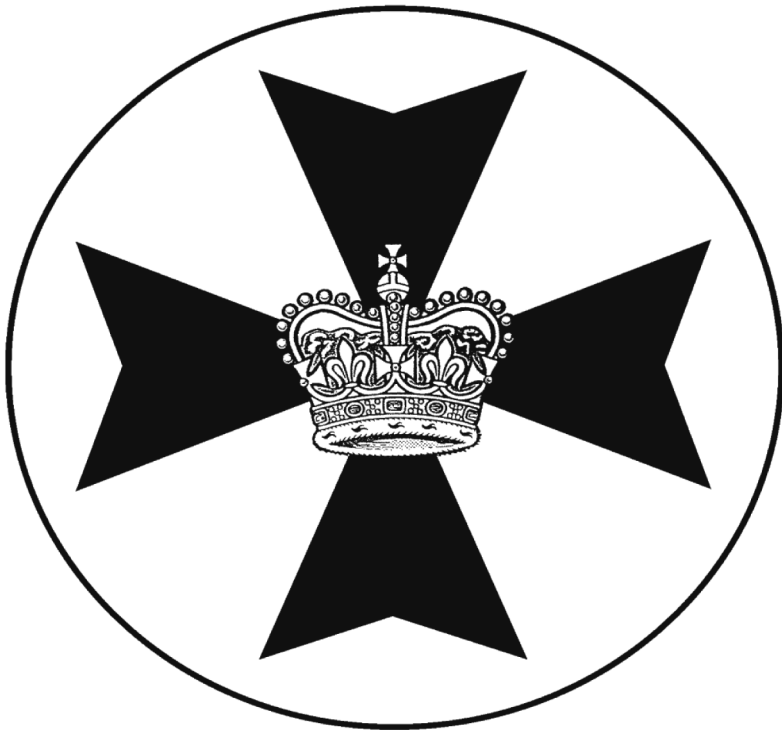
section 3(2)

### **Part 1                      Heraldic description**

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

**Part 2**

**Monochrome pictorial  
description**



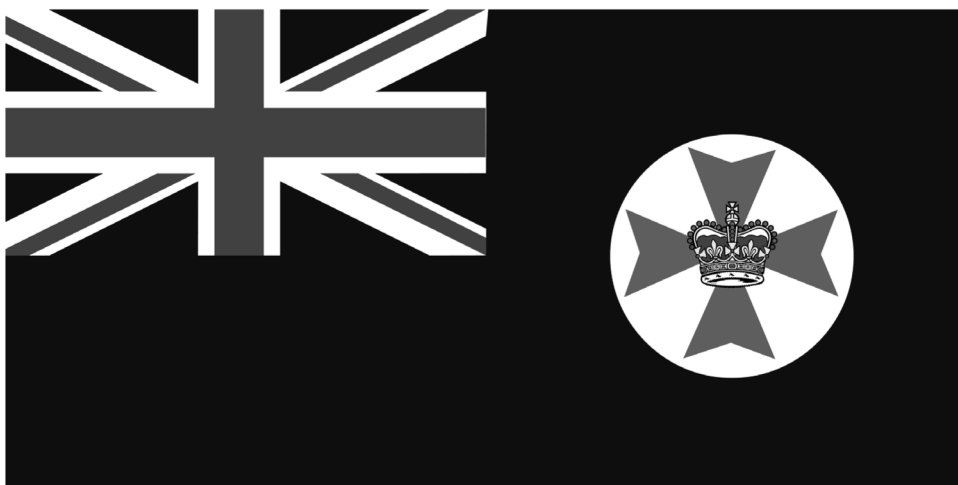
## **Schedule 3      State flag**

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**



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## 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.

**6      Fossil emblem**

The Muttaborra dinosaur (*Muttaborrasaurus langdoni*) is the State's fossil 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.