

New South Wales

## **State Arms Bill 2002**

### **Explanatory note**

This explanatory note relates to this Bill as introduced into Parliament.

### **Overview of Bill**

The objects of this Bill are:

- (a) to cause the practice of displaying the United Kingdom arms in connection with Parliament, the courts, the office of Governor and State instrumentalities to be discontinued, and to require the State arms to be displayed instead, and
- (b) to provide for the adoption of additional symbols representing the authority of the State.

## Outline of provisions

**Clause 2** sets out the name (also called the short title) of the proposed Act.

**Clause 3** provides for the commencement of the proposed Act on the date of assent.

**Clause 4** defines certain words and expressions used in the proposed Act.

**Clause 5** provides that the State arms, rather than those of the United Kingdom, are to represent the authority of the State in a Parliament building, a courthouse, an office or official residence of the Governor or a Government office, and in any other place or building, and on any seal or document, used for official purposes.

**Clause 6** empowers the Governor-in-Council, by proclamation, to add other State arms, to specify alternative forms of State arms (such as forms exhibiting colours), or to omit or replace any State arms, or part of any State arms.

**Clause 7** requires that, as soon as practicable (but in any event within 3 years) after the commencement of the proposed Act, the United Kingdom arms, where displayed in or on any public building or public place or on any official seal or document intended for future use are to be replaced by the State arms, except in certain circumstances.

**Schedule 1** sets out the State arms.

New South Wales

**State Arms Bill 2002**

**Contents**

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|                                                      | Page |
|------------------------------------------------------|------|
| 1 Name of Act                                        | 2    |
| 2 Commencement                                       | 2    |
| 3 Definitions                                        | 2    |
| 4 State arms to be used for all official purposes    | 3    |
| 5 Additional, alternative and replacement State arms | 3    |
| 6 Replacement of United Kingdom arms                 | 3    |
| Schedule 1 The State arms                            | 5    |

New South Wales

## **State Arms Bill 2002**

No. , 2002

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**A Bill for**

An Act with respect to the display of the coat of arms of the State.

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**Preamble**

Following the establishment of the Commonwealth of Australia, a coat of arms was by Royal warrant assigned to New South Wales, for “the greater honour and distinction” of the State. This coat of arms is the proper representation of the authority of the State and distinguishes the sovereign authority of the State from other regalities enjoyed by Her Majesty the Queen.

It is appropriate to recognise the fact that New South Wales became an Original State when the people of Australia united in a Federal Commonwealth on 1 January 1901 by providing for the display, in connection with Parliament, the courts, the office of Governor, and other instrumentalities and offices of the State, of the State arms to the exclusion of the United Kingdom arms.

**The Legislature of New South Wales therefore enacts:****1 Name of Act**

This Act is the *State Arms Act 2002*.

**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).

***State arms*** means:

- (a) unless omitted, replaced or altered under section 5, the armorial ensigns and supporters assigned for New South Wales by Royal warrant of His Majesty King Edward VII on 11 October 1906 and depicted in Schedule 1, or
- (b) such symbols and other matter as may be depicted for the time being in Schedule 1 as State arms pursuant to section 5.

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*United Kingdom arms* 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, also known as the Royal arms, and includes any arms that replace those arms and any partial representation of those arms or any replacement arms.

**4 State arms to be used for all official purposes**

Whenever, 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 State are to be displayed for any official purpose, the State arms are to be displayed, and not the United Kingdom arms.

**5 Additional, alternative and replacement State arms**

The Governor may from time to time, by proclamation, amend Schedule 1 to add other State arms, to specify alternative forms of State arms (such as forms exhibiting colours), or to omit or replace any State arms, or part of any State arms.

**6 Replacement of United Kingdom arms**

- (1) As soon as practicable (but in any event within 3 years) after the commencement of this Act, any United Kingdom arms displayed in or on any public building or public place and that purport to represent the authority of the State, or displayed on any seal or other object that is the property of the Crown and is intended to be used to represent the authority of the State, are to be removed and replaced by the State arms.
- (2) 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 United Kingdom arms there displayed form an integral part of an item of the environmental heritage of the State. However, nothing prevents the display of the State arms at the building or place while it is being used for an official purpose, whether or not so as to obscure, or during the temporary removal of, the United Kingdom arms.
- (3) 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.

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- (4) 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.

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**Schedule 1 The State arms**

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(Sections 3 and 5)

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