



## State Arms, Symbols and Emblems Bill.

### Second Reading

**Ms CLOVER MOORE** (Bligh) [7.32 p.m.]: I move:

That this bill be now read a second time.

The aim of this bill is to ensure that the State arms of New South Wales are used to represent the authority of this State. This includes the display of the State arms in parliamentary buildings, courthouses, offices or official residences of the Governor, and other government offices, including the State arms on seals and documents used by the State and its instrumentalities. The bill retains the existing form of the State arms, symbols and emblems, and restricts the circumstances in which they may be used. There is no proposal to change the State arms, symbols or emblems of New South Wales. Any change in the future will need to be made by way of amendment to the Act.

On 5 February 2002 the Attorney General, the Hon. Bob Debus, requested that the Standing Committee on Law and Justice investigate the proposal by the Hon. Peter Breen, MLC, to introduce a State arms bill. The committee analysed issues relating to the use of both the State arms and the royal arms of the United Kingdom for official purposes by the New South Wales Government, courts and Parliament, including consideration of 57 written submissions to the inquiry. In the report tabled in Parliament on 5 December 2002 by the Hon. Ron Dyer, the committee concluded that the State arms of New South Wales were the appropriate arms to represent the authority and sovereignty of this State. The committee recommended that the State arms should be used consistently across all aspects of government.

The Hon. Peter Breen subsequently consulted on the report's recommendations and redrafted his State Arms, Symbols and Emblems Bill to take into account the majority of recommendations that arose from the committee's report and issues that arose during the consultation. The bill has been further amended in response to concerns raised by Government and other members, and as a result of debate in the Legislative Council, which passed the bill in its current form on 15 October 2003.

The royal arms of the United Kingdom, which represent the dominion and sovereignty of that country, incorporate emblems representing the territories and kingdoms that comprise the United Kingdom. This includes a shield with the three lions of England, the lion of Scotland and the harp of Ireland, with the lion of England and the unicorn of Scotland flanking either side of the shield. New South Wales, which is a separate sovereign entity within the Commonwealth of Australia, has had its own coat of arms since 1906, when King Edward VII assigned the arms by way of royal warrant for "the honour and distinction" of the State.

The distinguishing features of the State arms of New South Wales are the lion and the kangaroo. The State arms also incorporate emblems such as golden fleece, sheaves of wheat and a rising sun, and the Latin motto that translates "Newly risen, how brightly you shine", which were considered to be representative of the State in 1912. The High Court held in 1999 that, at the very latest, the Commonwealth of Australia was transformed into a sovereign, independent nation with the enactment of the Australia Acts in 1986, and the United Kingdom is now a foreign power for the purpose of the Australian Constitution. This confirms the State arms of New South Wales are the appropriate arms to represent the authority of New South Wales.

There is no current legislation effectively governing the use of State arms in New South Wales, although it has been State Government policy since 1995 to require the State arms to be displayed in all new and renovated public buildings in New South Wales. This policy has not been uniformly applied and the State arms are used erratically. The royal arms of the United Kingdom, which represent the dominion and sovereignty of the United Kingdom of Great Britain and Northern Ireland, are displayed in both Chambers of this Parliament. The continued use in New South Wales of the royal arms of the United Kingdom contrasts with the situation at the Commonwealth level where the Federal Government uses the Commonwealth arms consistently and without controversy in the Federal Parliament, the High Court, the Federal Courts and the Family Court.

This bill is consistent with current constitutional arrangements and seeks to ensure that the correct arms are used to reflect that the State of New South Wales is sovereign, separate and distinct from the sovereignty of the United Kingdom and Northern Ireland. Clause 4 confirms that after commencement of this Act, the State arms or a State symbol are to be used in any place where the authority of the Crown or the State is being represented for official purposes. Schedules 1 and 2 provide descriptions and images, and clause 4 (3) authorises the Premier to provide further guidelines on the proper use of State arms and symbols. Schedule 3 describes the State emblems, notably that the animal emblem of New South Wales is the platypus, the bird emblem is the kookaburra, the floral emblem is the waratah, and the fish emblem is the blue groper.

Under subclauses (1) and (2) of clause 5, all depictions of the royal arms of the United Kingdom that are used to

represent the authority of the State of New South Wales are to be replaced with the State arms. However, the bill recognises that in some cases it will be appropriate to continue to display the royal arms of the United Kingdom. Subclauses (3) to (6) of clause 5 provide important heritage conservation measures by way of exemptions to the removal of the royal arms, to be determined by the Premier in consultation with the Heritage Council. In that situation, State arms are to be displayed in addition to royal arms that are retained for historical reasons, and any sculpted arms or arms in durable form are to be stored, conserved or displayed as part of the constitutional, legal, cultural and artistic heritage of the State. Clause 6 provides restrictions on the use of the State arms and State symbols in connection with commercial operations without the authority of the Governor or the Attorney General.

I thank Peter Breen for his work on this bill. I also thank my constituent Richard d'Apice, who is in the gallery tonight, for his assistance with the bill. The bill is not radical. Over the last New Year period, the royal arms of the United Kingdom, Great Britain and Northern Ireland were removed from all courts in Northern Ireland. The royal arms of the United Kingdom and Northern Ireland no longer represent the sovereignty of New South Wales. This bill provides legal support and recognition for the routine use of the appropriate State arms, symbols and emblems, a policy objective that is already in place but poorly implemented. I commend the bill to the House.

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