



Emblems of Queensland Act 2005

Reprinted as in force on 18 March 2005

Reprint No. 1 revised edition*

This reprint is prepared by
the Office of the Queensland Parliamentary Counsel
Warning—This reprint is not an authorised copy

* Minor differences in presentation between this reprint and another reprint with the same number are due to the conversion to new styles. At the same time, footnotes that merely cite a cross-reference to this legislation, or other legislation, were omitted (see the *Acts Interpretation Act 1954*, section 14(7)).

Information about this reprint

This Act is reprinted as at 18 March 2005.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 mentioned in the following list have been made to—

- use aspects of format and printing style consistent with current drafting practice (s 35)
- omit the enacting words (s 42A).

This page is specific to this reprint. A table of reprints is included in the endnotes.

Also see endnotes for information about when provisions commenced.

Dates shown on reprints

Reprints dated at last amendment All reprints produced on or after 1 July 2002, hard copy and electronic, are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If a hard copy reprint is dated earlier than an electronic version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of a hard copy reprint is the same as the date shown for an electronic version previously published, it merely means that the electronic version was published before the hard copy version. Also, any revised edition of the previously published electronic version will have the same date as that version.

Replacement reprint date If the date of a hard copy reprint is the same as the date shown on another hard copy reprint it means that one is the replacement of the other.

Revised edition indicates further material has affected existing material. For example—

- a correction
- a retrospective provision
- other relevant information.



Queensland

Emblems of Queensland Act 2005

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Emblems of Queensland Act 2005

[reprinted as in force on 18 March 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.

[s 4]

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.

5 Executive officers must ensure corporation complies with Act

- (1) The executive officers of a corporation must ensure that the corporation complies with this Act.
- (2) If a corporation commits an offence against a provision of this Act, each of its executive officers also commit an offence, namely, the offence of failing to ensure that the corporation complies with the provision.

Maximum penalty—the penalty for the contravention of the provision by an individual.

- (3) Evidence that the corporation has been convicted of an offence against a provision of this Act is evidence that each of its executive officers committed the offence of failing to ensure that the corporation complies with the provision.
- (4) However, it is a defence for an executive officer to prove that—
 - (a) if the officer was in a position to influence the conduct of the corporation in relation to the offence—the officer took reasonable precautions and exercised due diligence to ensure the corporation complied with the provision; or
 - (b) the officer was not in a position to influence the conduct of the corporation in relation to the offence.
- (5) For subsection (4)(a), it is sufficient for the executive officer to prove that the act or omission that was the offence was done or made without the officer's knowledge despite the officer having taken reasonable precautions and exercised due diligence to ensure the corporation complied with the provision.

[s 6]

(6) In this section—

executive officer, of a corporation, means a person who is concerned with or takes part in its management, whether or not the person is a director or the person's position is given the name of executive officer.

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

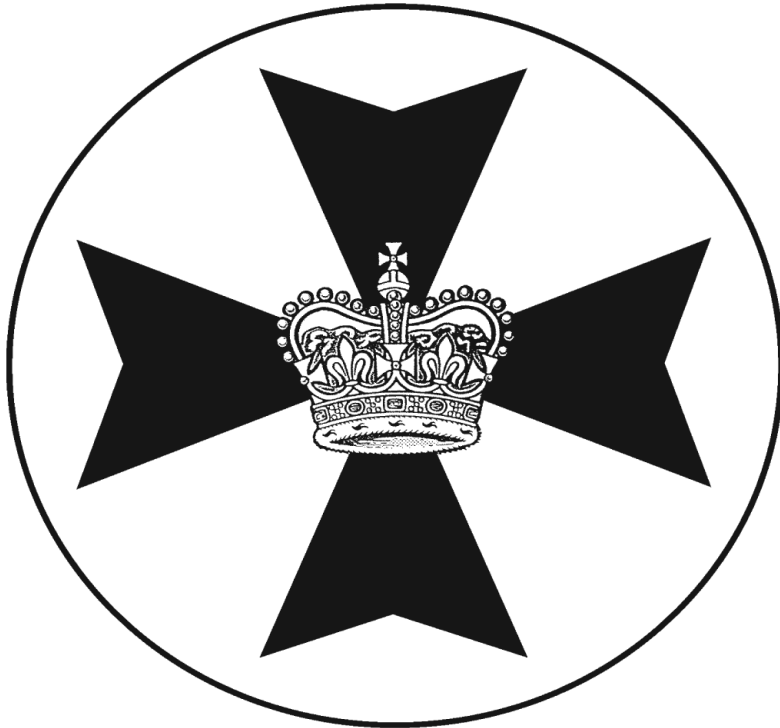
section 3(2)

Part 1 Heraldic description

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

Part 2

**Monochrome pictorial
description**



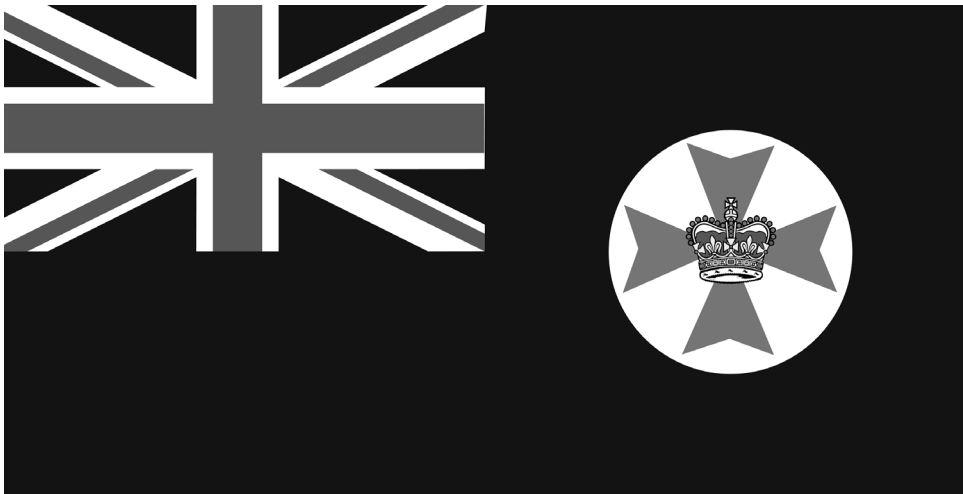
Schedule 3 State flag

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.

Endnotes

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). However, no amendments have commenced operation on or before that day. Future amendments of the Emblems of Queensland Act 2005 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No. [X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
num	= numbered	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments included	Effective	Notes
1 rv	none	18 March 2005	Revision notice issued for R1

5 List of legislation

Emblems of Queensland Act 2005 No. 5
 date of assent 18 March 2005
 commenced on date of assent

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