

Queensland



# **BADGE, ARMS, FLORAL AND OTHER EMBLEMS OF QUEENSLAND ACT 1959**

**Reprinted as in force on 13 September 1994  
(includes amendments up to Act No. 27 of 1981)**

**Reprint No. 1**

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

# Information about this reprint

This Act is reprinted as at 13 September 1994. The reprint—

- shows the law as amended by all amendments that commenced on or before that day
- incorporates all necessary consequential amendments, whether of punctuation, numbering or another kind.

The reprint includes a reference to the law by which each amendment was made—see List of legislation and List of annotations in Endnotes.

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

- update citations and references (Pt 4, Div 2)
- express gender specific provisions in a way consistent with current legislative drafting practice (s 24)
- use standard punctuation consistent with current legislative drafting practice (s 27)
- use expressions consistent with current legislative drafting practice (s 29)
- relocate marginal or cite notes (s 34)
- use aspects of format and printing style consistent with current legislative drafting practice (s 35)
- omit provisions that are no longer required (s 39)
- omit the enacting words (s 42A)
- number and renumber certain provisions and references (s 43).

**Also see Endnotes for information about—**

- **when provisions commenced**
- **provisions that have not commenced and are not incorporated in the reprint**
- **editorial changes made in the reprint, including—**
  - **Table of obsolete and redundant provisions**
  - **Table of renumbered provisions.**

# Queensland



## BADGE, ARMS, FLORAL AND OTHER EMBLEMS OF QUEENSLAND ACT 1959

### TABLE OF PROVISIONS

Section	Page
1 Short title .....	3
2 Floral emblem .....	3
2A Faunal emblem .....	3
2B Notification of other emblems .....	3
3 Lawful authority .....	4
4 Prohibition of the unauthorised assumption or use of the badge or arms of the State .....	4
5 Recovery of penalties .....	5
6 Substitute use of Queensland Coat of Arms .....	5

### ENDNOTES

1 Index to Endnotes .....	7
2 Date to which amendments incorporated .....	7
3 List of legislation .....	7
4 List of annotations .....	8
5 Table of obsolete and redundant provisions .....	9
6 Table of renumbered provisions .....	9



*Badge, Arms, Floral and other Emblems of  
Queensland Act 1959*

---

## **BADGE, ARMS, FLORAL AND OTHER EMBLEMS OF QUEENSLAND ACT 1959**

[as amended by all amendments that commenced on or before 13 September 19942]

**An Act relating to the badge, arms, floral and other emblems of the State, and to prohibit the unauthorised assumption or use of such badge or arms**

### **Short title**

1. This Act may be cited as the *Badge, Arms and Floral Emblem of Queensland Act 1959*\*<sup>3-6</sup>.

### **Floral emblem**

2. The Cooktown orchid (*Dendrobium bigibbum* var. *phalaenopsis*) shall be the floral emblem of the State.

### **Faunal emblem**

2A. The koala (*Phascolarctos cinereus*) shall be the faunal emblem of the State.

### **Notification of other emblems**

2B. The Premier and Minister for State Development—

---

\* Section 1(3) of the *Badge, Arms and Floral Emblem of Queensland Act Amendment Act 1971* provides that the *Badge, Arms and Floral Emblem of Queensland Act 1959* may be cited as the *Badge, Arms, Floral and other Emblems of Queensland Act 1959*. Similar provision was made in the only later amending Act (see 1981 Act No. 27 s 2(2)).

*Badge, Arms, Floral and other Emblems of  
Queensland Act 1959*

---

- (a) may from time to time notify in the Gazette any other thing, animate or inanimate, to be the emblem of the State—
  - (i) in respect of a category or matter or an aspect of Queensland life or activity; or
  - (ii) for a purpose or of a type or classification; specified in the notification; and
- (b) may by a further notification in the Gazette revoke or vary a prior such notification;

and that thing, subject to any revocation or variation as aforesaid, shall thereupon be such emblem.

### **Lawful authority**

3. In this Act—

“**lawful authority**” means the authority of the Queen, or of the Governor in Council, or of the Premier and Minister for State Development, or of a law of the Commonwealth.

### **Prohibition of the unauthorised assumption or use of the badge or arms of the State**

4.(1) A person who without lawful authority (proof whereof shall lie upon the person accused)—

- (i) assumes or uses in connection with—
  - (a) any trade, business, calling or profession; or
  - (b) any club or any body or association of persons whatsoever, including, but without limit to the generality of the provisions of this paragraph, any club or any body or association of persons formed for the purpose of playing any game or athletic sport whatsoever; or
- (ii) prints, publishes, or distributes, or sends or delivers to any other person, or causes to be printed, published, or distributed, or sent or delivered to any other person any written or printed matter

*Badge, Arms, Floral and other Emblems of  
Queensland Act 1959*

---

whatsoever in or upon which appears or appear;

the badge or arms of the State or any badge or arms so nearly resembling the badge or arms of the State as to be likely to deceive shall be guilty of an offence and liable to a penalty of not more than \$100.

(2) Where the badge or arms of the State, or any badge or arms so nearly resembling the badge or arms of the State as to be likely to deceive is or are assumed or used, or any written or printed matter is printed, published, distributed, or sent or delivered to any person in connection with a club or a body or association of persons which is not a body corporate in contravention of the provisions of subsection (1), then every member of the governing body by whatever name called and every officer of that club, body or association shall be deemed to have committed that offence and shall be liable accordingly, unless the member or officer proves that he or she did not know and could not, by the use of due diligence, have known of the commission of that offence.

(3) The Premier and Minister for State Development may from time to time notify in the Gazette the badge and arms which are respectively the badge and arms of the State and may by a further notification so published revoke or vary a prior such notification.

(4) Judicial notice shall be taken of every such notification in any proceeding for an offence under this section.

### **Recovery of penalties**

5.(1) Offences against this Act may be prosecuted in a summary way under the *Justices Acts 1886* upon the complaint of any person thereunto authorised in writing by the Premier and Minister for State Development.

(2) Any person who continues any offence against this Act after the person is convicted therefor shall be liable to a further penalty of not more than \$20 for each and every day on which the person so continues that offence.

### **Substitute use of Queensland Coat of Arms**

6. Where by or under any Act the use of any armorial insignia or a representation thereof, in whatever terms described, is prescribed for any

*Badge, Arms, Floral and other Emblems of  
Queensland Act 1959*

---

document, form, seal or otherwise as a mark of authority of the Crown, the use for that purpose of a representation of the Coat of Arms of the State, in the form in which that armorial insignia is or was, at the material time, granted for the time being or at any previous time, shall be taken to be and to have always been a sufficient compliance in law with that prescription.

## ENDNOTES

### 1 Index to Endnotes

		Page
2	Date to which amendments incorporated . . . . .	7
3	List of legislation . . . . .	7
4	List of annotations . . . . .	8
5	Table of obsolete and redundant provisions . . . . .	9
6	Table of renumbered provisions . . . . .	9

### 2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 13 September 1994. Future amendments of the Badge, Arms, Floral and other Emblems of Queensland Act 1959 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

### 3 List of legislation

**Badge, Arms and Floral Emblem of Queensland Act 1959 8 Eliz. 2 No. 39**

date of assent 19 November 1959

commenced on date of assent

as amended by—

**Badge, Arms and Floral Emblem of Queensland Act Amendment Act 1971  
No. 4**

date of assent 14 April 1971

commenced on date of assent

**Badge, Arms, Floral and other Emblems of Queensland Act Amendment Act  
1981 No. 27**

date of assent 20 May 1981

commenced on date of assent

## 4 List of annotations

### Key to abbreviations in list of annotations

amd	=	amended
Ch	=	Chapter
cl	=	clause
def	=	definition
Div	=	Division
hdg	=	heading
ins	=	inserted
om	=	omitted
prec	=	preceding
pres	=	present
prev	=	previous
(prev)	=	previously
prov	=	provision
Pt	=	Part
RA	=	Reprints Act 1992
renum	=	renumbered
Sdiv	=	Subdivision
sub	=	substituted

Provisions not included in reprint, or amended by amendments not included in reprint, are underlined

**Long title** amd 1971 No. 4 s 2

### **Faunal emblem**

s 2A ins 1971 No. 4 s 3

### **Notification of other emblems**

s 2B ins 1971 No. 4 s 4

### **Lawful authority**

s 3 amd 1971 No. 4 s 5

### **Prohibition of the unauthorised assumption or use of the badge or arms of the State**

s 4 amd 1971 No. 4 s 6

### **Recovery of penalties**

s 5 amd 1971 No. 4 s 7

### **Substitute use of Queensland Coat of Arms**

s 6 ins 1981 No. 27 s 3

*Badge, Arms, Floral and other Emblems of  
Queensland Act 1959*

---

## **5 Table of obsolete and redundant provisions**

TABLE OF OBSOLETE AND REDUNDANT PROVISIONS  
under the Reprints Act 1992 s 39

Omitted provision	Provision making omitted provision obsolete/redundant
references to Queensland implied	Acts Interpretation Act 1954 s 35

## **6 Table of renumbered provisions**

TABLE OF RENUMBERED PROVISIONS  
under the Reprints Act 1992 s 43

Previous	Renumbered as
4(3), 2nd sentence	4(4)
5, 1st sentence	5(1)
5, 2nd sentence	5(2)