

# Queensland



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

**Reprinted as in force on 10 December 1997  
(includes amendments up to Act No. 81 of 1997)**

**Reprint No. 1A \***

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

\* Minor differences in style between this reprint and another reprint with the same number are due to the conversion to another software program. The content has not changed.

# Information about this reprint

This Act is reprinted as at 10 December 1997. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

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 have been made to use aspects of format and printing style consistent with current drafting practice (s 35).

This page is specific to this reprint. See previous reprint for information about earlier changes made under the Reprints Act 1992. A table of earlier reprints is included in the endnotes.

**Also see endnotes for information about—**

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

# Queensland



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

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#### BADGE OF THE STATE

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

[as amended by all amendments that commenced on or before 10 December 1997]

**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**

## **1 Short title**

This Act may be cited as the *Badge, Arms, Floral and other Emblems of Queensland Act 1959*.

## **2 Floral emblem**

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

### **2A Faunal emblem**

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

### **2B Bird emblem**

The brolga (*Grus rubicunda*) is the bird emblem of the State.

### **2C Gem emblem**

The sapphire, of any colour, is the gem emblem of the State.

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## **2D Arms and badge**

- (1) The arms of the State are as described in schedule 1.
- (2) The badge of the State is as described in schedule 2.

## **3 Lawful authority**

In this Act—

**“lawful authority”** means the authority of the Queen, or of the Governor in Council, or of the Premier, or of a law of the Commonwealth.

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

(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 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.

Maximum penalty—50 penalty units.

(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

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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.

## **5 Recovery of penalties**

(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.

(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 10 penalty units for each and every day on which the person so continues that offence.

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

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

## **SCHEDULE 1**

### **ARMS OF THE STATE**

section 2D

#### **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'.

## SCHEDULE 1 (continued)

**PART 2—PICTORIAL DESCRIPTION**

## **SCHEDULE 2**

### **BADGE OF THE STATE**

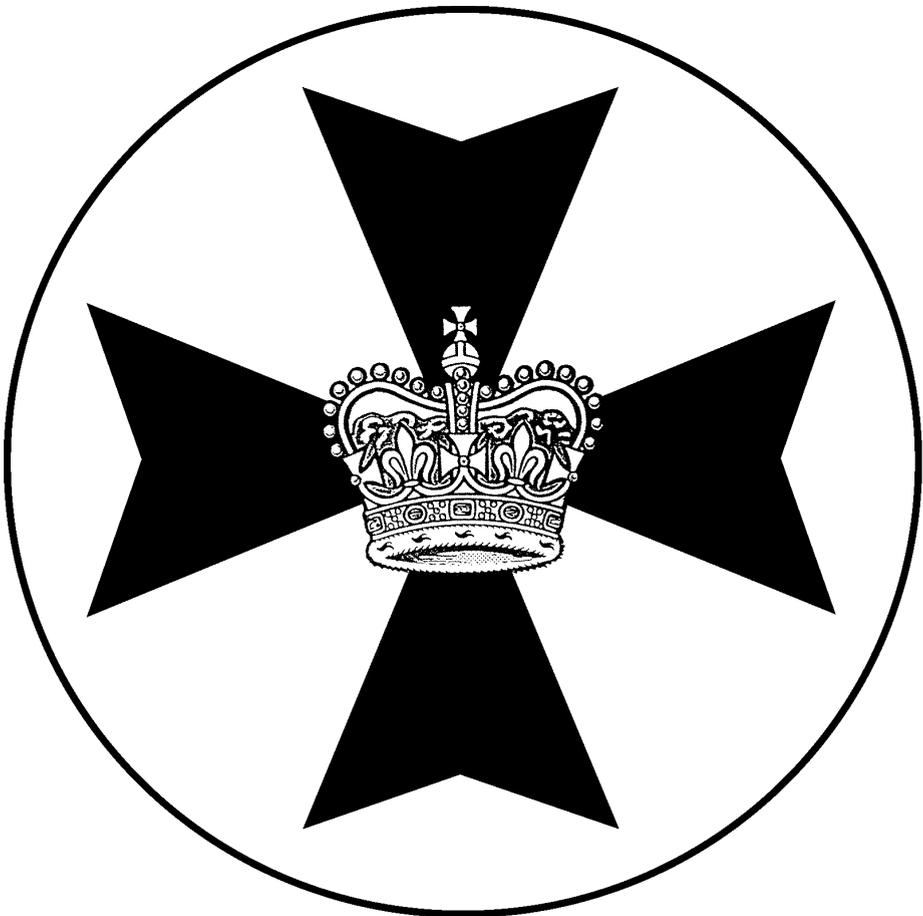
section 2D

#### **PART 1—HERALDIC DESCRIPTION**

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

SCHEDULE 2 (continued)

**PART 2—PICTORIAL DESCRIPTION**



## 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). Accordingly, this reprint includes all amendments that commenced operation on or before 10 December 1997. 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.

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### 3 Key

**Key to abbreviations in list of legislation and annotations**

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	prev	= previous
amd	= amended	(prev)	= previously
amdt	= amendment	proc	= proclamation
ch	= chapter	prov	= provision
def	= definition	pt	= part
div	= division	pubd	= published
exp	= expires/expired	R[X]	= Reprint No.[X]
gaz	= gazette	RA	= Reprints Act 1992
hdg	= heading	reloc	= relocated
ins	= inserted	renum	= renumbered
lap	= lapsed	rep	= repealed
notfd	= notified	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 1992
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered

### 4 Table of earlier reprints

TABLE OF EARLIER REPRINTS

[If a reprint number includes a roman letter, the reprint was released in unauthorised, electronic form only.]

Reprint No.	Amendments included	Reprint date
1	to Act No. 27 of 1981	13 September 1994

### 5 Tables in earlier reprints

TABLES IN EARLIER REPRINTS

Name of table	Reprint No.
Obsolete and redundant provisions	1
Renumbered provisions	1

## 6 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

amending legislation—

**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

**Statute Law (Miscellaneous Provisions) Act 1997 No. 81 ss 1–3 sch**

date of assent 5 December 1997

commenced on date of assent

## 7 List of annotations

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

**Short title**

s 1 amd 1997 No. 81 s 3 sch

**Faunal emblem**

s 2A ins 1971 No. 4 s 3 sch

**Bird emblem**

s 2B ins 1971 No. 4 s 4

sub 1997 No. 81 s 3 sch

**Gem emblem**

s 2C ins 1997 No. 81 s 3 sch

**Arms and badge**

s 2D ins 1997 No. 81 s 3 sch

**Lawful authority**

s 3 amd 1971 No. 4 s 5; 1997 No. 81 s 3 sch

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

s 4 amd 1971 No. 4 s 6; 1997 No. 81 s 3 sch

**Recovery of penalties**

s 5 amd 1971 No. 4 s 7; 1997 No. 81 s 3 sch

**Substitute use of Queensland Coat of Arms**

s 6 ins 1981 No. 27 s 3

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**SCHEDULE 1—ARMS OF THE STATE**

ins 1997 No. 81 s 3 sch

**SCHEDULE 2—BADGE OF THE STATE**

ins 1997 No. 81 s 3 sch