

1994

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

THE SENATE

---

Presented and read a first time

(SENATOR KEMP)

**A BILL**

FOR

**An Act to amend the *Flags Act 1953* to ensure that the Australian National Flag is not altered except with the approval of the Australian people voting in a referendum, that the Australian National Flag is not supplanted by use of the powers under the Act, and that the appointment of other flags and ensigns is subject to disallowance by either House of the Parliament.**

BE IT ENACTED by the Queen, and the Senate and the House of Representatives of the Commonwealth of Australia, as follows:

**Short title etc.**

- 1.(1) This Act may be cited as the *Flags Amendment Act 1994*.
- (2) The *Flags Act 1953*<sup>1</sup> is in this Act referred to as the Principal Act.

**Commencement**

- 5      2. This Act shall commence on the day on which it receives the Royal Assent.

**3.(1)** Section 5 of the Principal Act is repealed and the following section substituted:

### **Other Flags**

“5.(1) Subject to subsection (2), the Governor-General may make regulations appointing such other flags and ensigns of Australia as the Governor-General thinks fit.

5

“(2) Nothing in subsection (1) empowers the Governor-General to make regulations appointing a flag or ensign other than the Australian National Flag as the standard for the Commonwealth of Australia, the Government of the Commonwealth of Australia or the Australian nation.”.

10

(2) Every Proclamation in force under section 5 of the Principal Act immediately before the commencement of this Act continues to have the force and effect that it had at that time but may be repealed by regulations under section 5 of the Principal Act as amended by this Act.

**4.** After section 8 of the Principal Act, the following section is added:

15

### **Alteration of Australian National Flag**

“9.(1) The Australian National Flag declared by section 3 shall not be altered except in accordance with a proposal to alter that flag that has been:

- (a) submitted in each State and Territory to the electors qualified to vote for the election of members of the House of Representatives; and
- (b) approved by a majority of all the electors voting.

20

“(2) In this section, ‘Territory’ means any Territory referred to in section 122 of the Constitution in respect of which there is in force a law allowing its representation in the House of Representatives.”.

---

### **NOTE**

#### **Flags Act 1953**

1. No. 1, 1954, as amended. For previous amendments, see No. 58, 1954; No. 216, 1973; and No. 9, 1981.

