

INQUIRY INTO A TERRITORY COAT OF ARMS

STANDING COMMITTEE ON ENVIRONMENT AND TRANSPORT AND CITY
SERVICES

AUGUST 2019

REPORT 9

THE COMMITTEE

COMMITTEE MEMBERSHIP

CURRENT MEMBERS

Ms Suzanne Orr MLA	Chair
Miss Candice Burch MLA	Member (from 15 Feb 2018) and Deputy Chair (from 28 Feb 2018)
Mr James Milligan MLA	Member (from 20 September 2018)

SECRETARIAT

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RESOLUTION OF APPOINTMENT

The Legislative Assembly for the ACT (the Assembly) agreed by resolution on 13 December 2016 to establish legislative and general purpose standing committees to inquire into and report on matters referred to them by the Assembly or matters that are considered by the committees to be of concern to the community, including:

A Standing Committee on Environment and Transport and City Services to examine matters related to city and transport services, public infrastructure, heritage, and sport and recreation and matters related to all aspects of climate change policy and programs, water and energy policy and programs, provision of water and energy services, conservation, environment and ecological sustainability.¹

TERMS OF REFERENCE

At its meeting on Thursday, 29 November 2018, the Assembly passed the following resolution:

That the Standing Committee on Environment and Transport and City Services:

- (1) Further consider, and consult with the community on, a new Territory Coat of Arms; and
- (2) Report back to the Assembly by 6 June 2019.²

¹ Legislative Assembly for the ACT, *Minutes of Proceedings* No. 2, 13 December 2016, p. 13, accessible at: https://www.parliament.act.gov.au/_data/assets/pdf_file/0008/1017980/MoP002F1.pdf

² Legislative Assembly for the ACT, *Minutes of Proceedings* No. 82, 29 November 2018, p. 1172, accessible at: https://www.parliament.act.gov.au/_data/assets/pdf_file/0006/1287357/MoP082F.pdf

ACRONYMS

FCC	Federal Capital Commission
RAN	Royal Australian Navy

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RECOMMENDATIONS

RECOMMENDATION 1

- 3.30 The Committee recommends that the ACT Government clarify the legal standing of the City of Canberra Coat of Arms.

RECOMMENDATION 2

- 4.54 Dependant on the legal standing of the City of Canberra Coat of Arms, the Committee recommends that the ACT Government either adopt a Coat of Arms for the Territory or update the City of Canberra Coat of Arms.

RECOMMENDATION 3

- 6.14 The Committee recommends that the ACT Government engage in community consultation to determine the final design for any new Coat of Arms for the ACT.

RECOMMENDATION 4

- 8.41 The Committee recommends that in consultation with the community the ACT Government redesign the ACT Flag.

RECOMMENDATION 5

- 8.42 The Committee recommends the ACT Government develop a guideline on the appropriate use of the ACT's Official Symbols and make this publicly available.

1 INTRODUCTION

- 1.1 On 29 November 2018 the Assembly resolved that the Standing Committee on Environment and Transport and City Services further consider, and consult with the community on, a new Territory Coat of Arms; and report back to the Assembly by 6 June 2019.³ On 16 May 2019, this reporting date was amended to 1 August 2019 and was further amended on 30 July 2019 to 31 August 2019.⁴

BACKGROUND TO THE INQUIRY

- 1.2 On 30 November 2017 the Assembly resolved that the Standing Committee on Environment and Transport and City Services investigate and report back to the Assembly on whether the ACT should have a mammal emblem, and a recommendation on what that should be, by September 2018.⁵
- 1.3 In July 2018 the Committee published its report on an *Inquiry into a proposal for a Mammal Emblem for the ACT*.⁶ During this inquiry, four submissions suggested that a mammal emblem for the ACT creates the potential to design a new coat of arms for the ACT. The Committee recommended that the ACT Government note the potential for the adoption of a mammal emblem to lead to the design of a Coat of Arms for the ACT, and the possible redesign of the ACT Flag.
- 1.4 The ACT Government tabled its formal response to the mammal emblem report on 29 November 2018, and the document includes the following statement:

The ACT Government notes the potential for the adoption of a mammal emblem to lead to the design of a Coat of Arms for the ACT, and the possible redesign of the ACT flag.

The introduction of the new mammal emblem presents the opportunity to look at the other symbols of our city and whether they meet the current expectations of our community.

³ Legislative Assembly for the ACT, *Minutes of Proceedings*, No. 82, 29 November 2018, p. 1172, accessible at: https://www.parliament.act.gov.au/_data/assets/pdf_file/0006/1287357/MoP082F.pdf.

⁴ Legislative Assembly for the ACT, *Minutes of Proceedings*, No. 98, 16 May 2019, p. 1465, https://www.parliament.act.gov.au/_data/assets/pdf_file/0011/1363925/MoP098F.pdf and Legislative Assembly for the ACT, *Minutes of Proceedings*, No. 102, 30 July 2019, p. 1532, accessible at: https://www.parliament.act.gov.au/_data/assets/pdf_file/0008/1393892/MoP102.pdf.

⁵ Legislative Assembly for the ACT, *Minutes of Proceedings* No. 43, 30 November 2017, p. 632, accessible at: https://www.parliament.act.gov.au/_data/assets/pdf_file/0004/1133743/MOP043F1.pdf.

⁶ Standing Committee on Environment and Transport and City Services, *Inquiry into a proposal for a Mammal Emblem*, accessible at: https://www.parliament.act.gov.au/_data/assets/pdf_file/0006/1226724/9th-ETCS-06-Inquiry-into-a-proposal-for-a-Mammal-Emblem.pdf

All State and Territory Coats of Arms have been approved through a Royal Proclamation process facilitated by Buckingham Palace, with the last Coat of Arms granted in 1984 for South Australia. The ACT flag can be changed through the existing Legislative framework of the Assembly.

The ACT Government supports consideration of a Territory Coat of Arms and suggests the Standing Committee on Environment and Transport and City Services undertake further community consultation and consideration of this matter.⁷

- 1.5 Immediately after tabling the Government response, the Chief Minister, Andrew Barr MLA, moved that the Assembly adopt the Southern Brush-tailed Rock-wallaby as the mammal emblem for the ACT, and after debate the motion was passed by the Assembly.⁸
- 1.6 On the same day, the Chief Minister moved the motion which led to the Assembly resolution that the Standing Committee on Environment and Transport and City Services further consider, and consult with the community on, a new Territory coat of arms; and report back to the Assembly by 6 June 2019.⁹

CONDUCT OF THE INQUIRY

- 1.7 The Committee called for public submissions on 21 March 2019, with the closing date 21 April 2019. In making this call for submission, the Committee was particularly interested to hear responses to two questions it posed to potential contributors: 1) whether there should be a coat of arms for the Australian Capital Territory (in addition to the Canberra Coat of Arms), and 2) what symbols might be included in the design of an ACT coat of arms.¹⁰
- 1.8 This opportunity was publicised through media releases, a notice in *The Canberra Times*, a notice on the Committee's webpage, mainstream media coverage, and social media channels. The Committee also wrote, by email, to individuals, groups and organisations it considered likely to be interested in the Inquiry.

⁷ ACT Government Response to the Standing Committee on Environment and Transport and City Services, *Inquiry into a proposal for a Mammal Emblem for the ACT*, tabled in the Assembly on 29 November 2018, accessible at: https://www.parliament.act.gov.au/_data/assets/pdf_file/0009/1287441/9th-ETC-06-Proposal-for-a-Mammal-Emblem-for-the-ACT-GR-tabled-29-November-2018.pdf.

⁸ Legislative Assembly for the ACT, Minutes of Proceedings No. 82, 29 November 2018, p. 1176, accessible at: https://www.parliament.act.gov.au/_data/assets/pdf_file/0006/1287357/MoP082F.pdf.

⁹ Legislative Assembly for the ACT, Minutes of Proceedings No. 82, 29 November 2018, p. 1172, accessible at: https://www.parliament.act.gov.au/_data/assets/pdf_file/0006/1287357/MoP082F.pdf.

¹⁰ Standing Committee on Environment and Transport and City Services, *Inquiry into Territory Coat of Arms*, accessible at: <https://www.parliament.act.gov.au/in-committees/standing-committees-current-assembly/standing-committee-on-environment-and-transport-and-city-services/inquiry-into-territory-coat-of-arms>.

- 1.9 During the Inquiry the Committee received a total of 68 submissions, which were published on the Committee's webpage and are listed in Appendix B to this report.¹¹
- 1.10 On 21 May 2019 the Committee held a public hearing for the Inquiry, during which it heard from 12 witnesses. These witnesses are listed in Appendix A to this report. The transcript of the hearing is available on the Legislative Assembly's website.¹²

STRUCTURE OF THE REPORT

- 1.11 This report is informed by research, submissions, and evidence provided at the public hearing. The structure of the report is as follows:

- Chapter 1—Introduction (the present chapter);
- Chapter 2—What is a coat of arms?;
- Chapter 3—The City of Canberra Coat of Arms;
- Chapter 4—Should the ACT adopt a coat of arms?;
- Chapter 5—What should be included in an ACT coat of arms?;
- Chapter 6—Opportunities for community consultation;
- Chapter 7—Procedural considerations for adopting a coat of arms;
- Chapter 8—The ACT Flag and other insignia; and
- Chapter 9—Conclusion.

ACKNOWLEDGEMENTS

- 1.12 The Committee wishes to thank the following people, and acknowledge their important contribution to the inquiry:
- The individuals and organisations who made submissions to the Inquiry and those who appeared as witnesses;

¹¹ Standing Committee on Environment and Transport and City Services, Inquiry into Territory Coat of Arms, accessible at: <https://www.parliament.act.gov.au/in-committees/standing-committees-current-assembly/standing-committee-on-environment-and-transport-and-city-services/inquiry-into-territory-coat-of-arms>.

¹² Legislative Assembly for the ACT, Hansard, accessible at: <http://www.hansard.act.gov.au/hansard/2017/comms/environment17a.pdf>.

- Staff at Archives ACT and the National Archives of Australia who provided assistance in locating historical documents relating to the City of Canberra Coat of Arms;
- The staff at Canberra Museum and Gallery (CMAG), who invited the Committee to attend a viewing of the exhibition *A Flag of Our Own* in February 2019.

2 WHAT IS A COAT OF ARMS?

HISTORICAL ROOTS

- 2.1 Heraldry is the design, study, and protocol of coats of arms. It comes from a long history of human self-representation through designs and imagery, with roots spanning the ancient cultures of the Middle East, Mediterranean, East Asia, and Australia, where Aboriginal and Torres Strait Islander peoples developed a complex system of symbols used to identify themselves, country, and groupings.¹³
- 2.2 The practice as it is known today developed out of 12th Century European systems designed to record which designs had been awarded to represent which individuals. Being awarded an armorial bearing was considered a great honour, as it was often at the direction of a monarch. It was traditional to emblazon the design on shields, flags, and *surcoats* (an armour overcoat which inspired the term 'coat of arms').¹⁴
- 2.3 Customary laws of heraldry developed around the grant, use, and inheritance of coats of arms. Originally these laws only allowed for a living person to be awarded arms. However, this restriction was later eased to include, among others, city authorities, academic institutions, and commercial businesses.¹⁵
- 2.4 To oversee heraldic process, monarchs vested power in their heralds, as officials responsible for the granting, control, and interpretation of armorial bearings on their behalf.¹⁶ Nowadays these heraldic duties are typically vested in national authorities, such as the College of Arms in England, the Court of the Lord Lyon in Scotland, the Canadian Heraldic Authority, and the Bureau of Heraldry in South Africa. Australia, by contrast, does not have its own heraldic authority.

COMPONENTS OF COATS OF ARMS

- 2.5 Coats of arms comprise eleven components which, in their entirety, are called 'heraldic achievements'. As demonstrated in Figure 1, these include:

(a) an escutcheon, or shield;

¹³ The Australian Heraldry Society, 'Australian Heraldic Authority', <https://www.heraldryaustralia.org/heraldic-authority>, viewed 29 May 2019.

¹⁴ Fox-Davies, Arthur Charles, *A Complete Guide to Heraldry*, London: T. C. & E. C. Jack, 1909. pp. 18-19.

¹⁵ College of Arms, 'Granting of Arms', <https://www.college-of-arms.gov.uk/services/granting-arms>, viewed 29 May 2019.

¹⁶ Fox-Davies, *Complete Guide*, p. 27.

- (b) crowns or coronets;
- (c) a helm or headwear;
- (d) mantling;
- (e) a torse;
- (f) a crest;
- (g) supporters;
- (h) a slogan;
- (i) a compartment;
- (j) orders; and
- (k) a motto.¹⁷

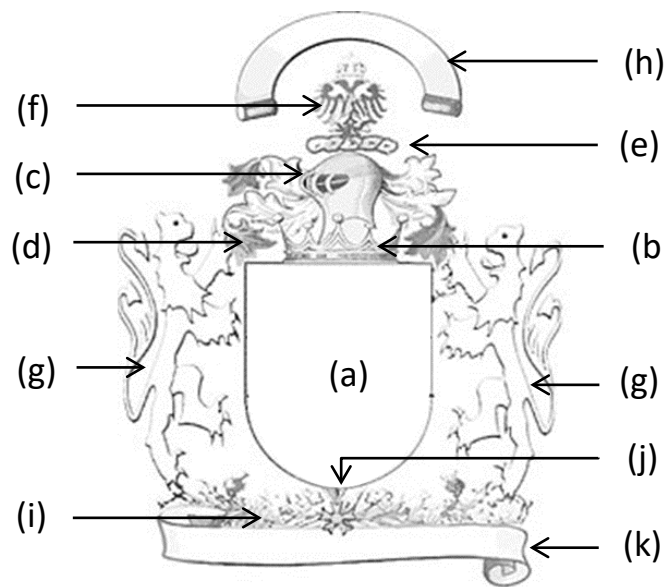


Figure 1: Labelled components of a heraldic achievement¹⁸

- 2.6 Central to all coats of arms is the escutcheon, or shield. Its blazon (design) can feature a wide range of design features, including geometric shapes, animals, and objects. Design features on

¹⁷ Fox-Davies. *Complete Guide*. pp. 57-60, 303-448

¹⁸ Adapted from Wikimedia Commons, https://commons.wikimedia.org/wiki/File:Elementy_herbu.jpg, viewed 9 August 2019.

modern escutcheons often have deeper symbolism, which help further personalise a coat of arms and give them meaning.

- 2.7 Colours used in the design are traditionally restricted to a set of ten metals, colours, and stains, collectively called *tinctures*. Additional colours have been adopted in North American and European heraldry, however these are uncommon in British-style heraldry.¹⁹
- 2.8 The shape of the escutcheon varies, with some shapes more common in certain areas than others and certain shapes designated for specific people (e.g. women and clergy) in individual heraldic traditions. In some jurisdictions, shapes significant to indigenous populations have been adopted, such as the Inuit roundel in Canada and the Nguni shield in African heraldry (Figure 2).²⁰



Figure 2: Examples of escutcheon shapes (left to right): Old French, Iberian, Inuit roundel, and Nguni shield

- 2.9 Beyond the escutcheon, which other components are used depends both on who bears the arms and their design preferences. Elements like orders and coronets are typically restricted to individuals, due to depicting rank or awards of chivalry, and do not usually feature on non-personal arms.²¹ The exclusion and inclusion of other components varies depending on the prevailing fashion of the time.
- 2.10 Supporters, which typically come in pairs, ‘support’ the central shield from either side. These are usually either *supports* (animals), *tenants* (humans), or – less commonly – *soutiens* (inanimate objects).²² Their stance is drawn from a set range of *attitudes* (positions). Custom insists that any supporter must have a compartment, or something to stand on, beneath them.²³

¹⁹ Fox-Davies. *Complete Guide*. pp. 75

²⁰ Legislative Assembly of Nunavut, ‘The Coat of Arms of Nunavut’, <https://www.assembly.nu.ca/about-legislative-assembly/coat-arms-nunavut>, viewed 5 June 2019; Province of KwaZulu-Natal, ‘The KZN Coat of Arms’, <http://www.kznonline.gov.za/index.php/government/module-suffixes-2/kzncoa>, viewed 18 July 2019.

²¹ Fox-Davies. *Complete Guide*. pp. 363, 584-85

²² Fox-Davies. *Complete Guide*. p. 407

²³ Fox-Davies. *Complete Guide*. p. 441

3 THE CITY OF CANBERRA COAT OF ARMS

- 3.1 The arms of the City of Canberra (Image 3) were designed in 1928 and granted by King George V to the Federal Capital Commissioners and their successors in a corporate capacity, for use on the Common Seal of the City of Canberra.²⁴



Figure 3: The City of Canberra Coat of Arms with its motto in English

DESIGN PROCESS

- 3.2 The Federal Capital Commission (FCC) was established in 1924 as a body corporate to build and administer Canberra as the site of the national capital.²⁵ In July 1927 the Commonwealth Department of Defence wrote to the Commonwealth Department of Home Affairs and Territories to request that a coat of arms be designed for use on the new ship, HMAS Canberra, to be commissioned in July 1928.²⁶ This request was referred to the FCC.²⁷
- 3.3 In August 1927, the FCC announced a public competition to design a coat of arms for the Federal Capital Commissioners and for the City of Canberra.²⁸ The FCC rejected all the designs it received and then employed one of the competition entrants—an arts illustrator with expertise in English heraldry, Charles R. Wylie—to produce a design more satisfactory to the Commissioners.²⁹

²⁴ National Archives of Australia, CP188/1,1.

²⁵ *Seat of Government (Administration) Act 1924* (Cth).

²⁶ National Archives of Australia, A1, 1932/215.

²⁷ National Archives of Australia, A1, 1932/215.

²⁸ National Archives of Australia, A1, 1932/215.

²⁹ David Harder, *Submission 65*, p. 11.

- 3.4 Wylie's design (Image 4) was sent to the College of Arms, the English heraldic authority, in April 1928 with a request for a grant of the arms.³⁰ This design was amended by the College of Arms to a form closer to the current arms (Figure 3 above). The escutcheon and crest were granted by Royal Warrant of King George V on 8 October 1928.³¹ After some alteration, including the replacement of one of the black swans for a white one, the supporters were granted by Letters Patent by Garter King of Arms later that year on 9 November.³²



Figure 4: Canberra Coat of Arms as sent to the College of Arms 1928³³

MEANING AND SYMBOLISM

- 3.5 The official interpretation of the features of the arms is:
- (a) The crossed Sword of Justice and mace intersecting an Imperial Crown represent the Commonwealth's executive, parliamentary, and sovereign authority;
 - (b) The castle represents the dignity, importance and grandeur of Canberra as a city;
 - (c) The white rose is the emblem of the Duke of York, and recognises the role of Prince Albert, Duke of York, in opening the provisional Parliament House in Canberra, on 9 May 1927;

³⁰ National Archives of Australia, A1, 1932/215.

³¹ National Archives of Australia, CP188/1, 1.

³² National Archives of Australia, CP188/1, 2; and the Australian Heraldry Society, *Submission 57*, pp. 2, 5.

³³ National Archives of Australia, A1, 1932/215; and David Hearder, *Submission 65*, Attachment 3, p. 1.

- (d) The portcullis is taken from the City of Westminster's coat of arms, the seat of the Parliament of the United Kingdom. This sits in front of a gum tree, representative of the city's growth, and is crowned with the imperial crown,
- (e) The two swans represent Australia's white and Indigenous populations, and
- (f) The motto, originally in Latin as *pro rege, lege, et grege*, is rendered in English as 'For the Queen, the Law, and the People'.³⁴

- 3.6 As noted above, Wylie's original design submitted to the College of Arms included two black swans (Figure 4 above), but this was vetoed by the College due to the design's similarity to the coat of arms for the City of Perth, WA, which had been recently assigned and featured two black swans. The Committee received submissions and heard evidence that designer Charles R. Wylie had allegedly justified the inclusion of the white swan on the arms as a representation of the 'White Australia Policy', something reflected in newspaper articles of the time.³⁵
- 3.7 In addition to this, the Committee heard that the English translation of the Latin motto used by the Territory has long been considered inaccurate, where *grege* better translates to 'mob' rather than 'people'.³⁶

ASSOCIATION WITH ROYAL AUSTRALIAN NAVY

- 3.8 There is a long association between the arms of the City of Canberra and the Royal Australian Navy (RAN). Indeed, the impetus for the arms' creation was the intention to name one of the RAN's *Kent* class heavy cruisers after the city and feature its arms and a modified motto in the ship's badge (Image 4), as was traditional.³⁷
- 3.9 Since 1928, there have been three eponymous ships to carry the City of Canberra Coat of Arms on their badges, including HMAS Canberra (I), which was sunk in 1942 in the Battle of Savo Island during the Guadalcanal Campaign.³⁸ The ship and its 84 crewmembers who died are memorialised in a monument on the north side of Lake Burley Griffin.³⁹

³⁴ Commonwealth of Australia. Department of the Capital Territory. *Armorial Bearings: The City of Canberra*. Canberra, ACT: Commonwealth Government Printer, pp. 2-3; ACT Government, *Submission 52*, p. [3].

³⁵ Kingman-Sugar, Geoff, 'The Arms of Canberra', *The Australian Heraldry Society: Members Circular*, Issue 159, March, April and May 2013, p. 13, the Australian Heraldry Society, *Submission 57*, Attachment. *Transcript of Evidence*, 21 May 2019, pp. 41, 43; the Australian Heraldry Society, *Submission 57*, pp. 10, 18; and D Hearder, *Submission 65*, p. 14.

³⁶ *Transcript of Evidence*, 21 May 2019, pp. 41, 44.

³⁷ Perryman, John, 'Ships Named Canberra', Royal Australian Navy, <http://www.navy.gov.au/history/feature-histories/ships-named-canberra>, viewed 6 June 2019.

³⁸ Australian War Memorial, 'Sinking of HMAS Canberra in Battle of Savo Island', October 20, 2017, https://www.awm.gov.au/articles/encyclopedia/ww2_navy/savo, viewed 6 June 2019.

³⁹ National Capital Authority, 'HMAS Canberra Memorial', viewed 6 June 2019, <https://www.nca.gov.au/attractions-and-memorials/hmas-canberra-memorial>, viewed 6 June 2019.



Figure 5: The Badge of the HMAS Canberra⁴⁰

- 3.10 The latest ship to bear the arms of the City of Canberra is the HMAS Canberra (III). This ship was commissioned in 2014 and in March 2015 was formally designated the flagship of the RAN.⁴¹
- 3.11 Several witnesses and submitters acknowledged the importance of the historical association between the City of Canberra Coat of Arms and the RAN. These contributors suggested that this connection means that the existing coat of arms should be retained and protected for continued use, even if a new and separate Territory coat of arms is adopted.⁴²

LEGAL STATUS

- 3.12 The Committee heard conflicting evidence on the legal standing of the current City of Canberra Coat of Arms. This confusion centred on the ownership of the arms and whether these arms are specific to the City of Canberra or whether they can legitimately serve as the arms of the wider ACT also.

BACKGROUND

- 3.13 As touched on above, according to the Royal Warrant granting armorial bearings for the 'City of Canberra' in 1928, the arms were for use by 'the Federal Capital Commissioners and their

⁴⁰ Perryman, John, 'Ships Named Canberra', Royal Australian Navy, <http://www.navy.gov.au/history/feature-histories/ships-named-canberra>, viewed 6 June 2019.

⁴¹ Royal Australian Navy, 'HMAS Canberra (III)', <http://www.navy.gov.au/hmas-canberra-iii>, viewed 1 August 2019.

⁴² Mr Geoffrey Kingman-Sugar, *Transcript of Evidence*, 21 May 2019, p. 23; Dr David Headon, *Transcript of Evidence*, 21 May 2019, p. 44; G Kingman-Sugar, *Submission 44*; T Fewtrell and D Headon, *Submission 48*.

successors in their corporate capacity'.⁴³ When the FCC was abolished in 1930, the Commonwealth Government asked the High Commissioner in London to seek advice from the College of Arms whether the Canberra Coat of Arms should be re-granted. AT Butler (Windsor Herald) advised the High Commissioner that:

...in the opinion of Garter the Commonwealth Government, as the new legally constituted authority in control of the City of Canberra, are the successors to the Federal Capital Commission to which Armorial Bearings were granted in 1928 and that therefore no re-grant is necessary.⁴⁴

3.14 In 1932 the Commonwealth Government issued an ordinance, the 'City of Canberra Arms Ordinance 1932', to govern the use of the coat of arms under the authority of 'the Minister'.⁴⁵ With self-government for the ACT in 1989, this ordinance became an ACT Act, with the relevant minister becoming an ACT Government Minister.⁴⁶

3.15 At the same time, following self-government, jurisdiction over the Territory became divided between the ACT Government and the Commonwealth Government's National Capital Authority.⁴⁷

VIEWS OF CONTRIBUTORS

3.16 Some submitters and witnesses expressed their view that the Territory does not have a coat of arms and that the current coat of arms is limited to Canberra city.⁴⁸ Some of these contributors explicitly tied this belief to an opinion that the ACT Government is not the legitimate successor to the FCC.⁴⁹

3.17 The Heraldry and Genealogy Society of Canberra argued that '[t]he closest current equivalent to the FCC is probably the National Capital Authority'. In support of this assertion the Society provided a letter from the College of Arms that asserted that:

The ACT Government does not have the right to use the Arms granted to the Federal Capital Commission in 1928... Physical possession of the Letters Patent in the Archives of the ACT Government does not give them any rights over the Armorial Bearings being granted.⁵⁰

⁴³ National Archives of Australia, CP188/1,1.

⁴⁴ National Archives, A1, 1932/215.

⁴⁵ *City of Canberra Arms Act 1932*, s. 4.

⁴⁶ *City of Canberra Arms Act 1932*.

⁴⁷ Australian Government National Capital Authority, 'About the NCA', <https://www.nca.gov.au/about-the-NCA/what-we-do>, viewed 29 July 2019.

⁴⁸ S Squires, *Submission 42*; G Kingman-Sugar, *Submission 44*; JV Johnson, *Submission 45*; I Ostyn, *Submission 47*; T Fewtrell and D Headon, *Submission 48*; The Heraldry and Genealogy Society of Canberra, *Submission 51*; ACT Government, *Submission 52*; R Calvert, *Submission 56*; and Women for an Australian Republic, *Submission 63*.

⁴⁹ The Heraldry and Genealogy Society of Canberra, *Submission 51*.

⁵⁰ Letter from Garter Principal King of Arms, dated 4 July 2013, Heraldry and Genealogy Society of Canberra, *Submission 51*, Appendix 1.

- 3.18 Based on this understanding, Geoffrey Kingman-Sugar, Heraldry Special Interest Group, the Heraldry and Genealogy Society of Canberra, told the Committee that the ACT should adopt a separate coat of arms for the Territory, arguing that the city and the Territory were separate:

...because Canberra is a city which is an integral part of the ACT. It does not have the same boundaries or even context as the whole of the ACT. We are the only territory on mainland Australia without arms.⁵¹

- 3.19 Other witnesses questioned the competency of the College of Arms in dictating which entity could legitimately use the arms in the context of Australian law. Richard d'Apice AM, President, the Australian Heraldry Society, argued that:

I do not think that the ACT or indeed any other Australian body should take its guidance from the College of Arms. The College of Arms has no knowledge of Australian law, it has no clue who is the successor to the Federal Capital Commission, which is the grantee of these arms, and I do not think that its advice is the slightest bit helpful to the Committee.⁵²

- 3.20 Mr d'Apice, continuing, told the Committee that determination of the legitimate successor of the FCC was 'a matter of Australian law'. He noted that while the arms were granted according to the English law of arms as they existed in 1928:

...there is a separate Australian law of arms now because the Crown has separated and the ownership of these arms are to be determined in accordance with Australian law of arms...⁵³

- 3.21 Following this line of argument, other witnesses and submitters suggested that the ACT Government is the inheritor of the City of Canberra Coat of Arms and legitimately uses it to represent the whole Territory.⁵⁴

- 3.22 Mr d'Apice, while acknowledging that there was a question as to what entity was the successor to the FCC and therefore inheritor of its arms—the ACT Government or the Commonwealth Government, argued that:

The ACT [Government] is the only body which has used these arms. The regulation of the arms is controlled under the City of Canberra Arms Act. That is an ACT piece of legislation. Under that piece of legislation an ACT minister regulates who can use the arms. This would be very odd circumstances if the arms belonged to the commonwealth and an ACT minister could say who could use them. The arms are used

⁵¹ Mr Geoffrey Kingman-Sugar, Heraldry Special Interest Group, Heraldry and Genealogy Society of Canberra, *Transcript of Evidence*, 21 May 2019, p. 24. Also see: Mr Geoffrey Kingman-Sugar, *Submission 44*, p. [1].

⁵² Mr Richard d'Apice AM, President, the Australian Heraldry Society, *Transcript of Evidence*, 21 May 2019, p. 36.

⁵³ Mr Richard d'Apice AM, President, the Australian Heraldry Society, *Transcript of Evidence*, 21 May 2019, pp. 36-37.

⁵⁴ B Whyte, *Submission 46*; B Coles, *Submission 49*; M Austin, *Submission 50*, Australian Monarchist League, ACT and District Branch, *Submission 54*; the Australian Heraldry Society, *Submission 57*; A McDonnell, *Submission 59*; and D Hearder, *Submission 65*.

by the legislature; they are on the top of legislation. They are widely used by nobody else but the ACT [Government].⁵⁵

3.23 At the same time as making this argument, Mr d'Apice also suggested the necessity 'to obtain the advice of parliamentary counsel, the crown solicitor or whoever might be the appropriate authority to give you legal advice' to clarify the legal standing of the City of Canberra Coat of Arms and its corporate ownership.⁵⁶

3.24 Reflecting the lines of argument presented by Mr d'Apice, the Australian Heraldry Society addressed this issue in detail in its submission to the Committee.⁵⁷ The Society's submission argued that by the *Australian Capital Territory (Self-Government) Act 1988*, the body politic of the Australian Capital Territory assumed the municipal functions previously carried out by the Commonwealth Government. Through this process, the submission argued, the ACT gained ownership of the City of Canberra Coat of Arms as 'the successor in its corporate capacity of the Federal Capital Commission as the municipal authority of the Seat of the national government of Australia'.⁵⁸

3.25 While supportive of the selection of 'new insignia of the ACT', David Header also submitted that the ACT Government legitimately uses the City of Canberra Coat of Arms to represent the whole Territory. He explained:

The ACT is a body politic under the Crown and its Legislative Assembly is responsible for making laws for the peace, order and good governance of the ACT. With the exception of land management in part, there is a broad alignment of the FCCs [sic] Territory powers with that of the ACT Government.⁵⁹

PRECEDENT

3.26 The Canberra Coat of Arms provides only limited historical precedent for determining the procedure to be followed should the ACT community decide to adopt a Territory coat of arms.

3.27 The FCC application for a coat of arms was submitted to the College of Arms, not directly, but through the High Commissioner in London.⁶⁰ The College then liaised with the office of the King to obtain the Royal Warrant.⁶¹

⁵⁵ Mr Richard d'Apice AM, President, the Australian Heraldry Society, *Transcript of Evidence*, 21 May 2019, p. 33.

⁵⁶ Mr Richard d'Apice AM, President, the Australian Heraldry Society, *Transcript of Evidence*, 21 May 2019, p. 36.

⁵⁷ The Australian Heraldry Society, *Submission 57*, pp. 5-8.

⁵⁸ The Australian Heraldry Society, *Submission 57*, p. 7.

⁵⁹ D Header, *Submission 65*, pp. 2, 9.

⁶⁰ National Archives of Australia, A2910, 410/1/93.

⁶¹ National Archives of Australia, A2910, 410/1/93.

- 3.28 However, circumstances have changed significantly since 1928. The ACT obtained self-government in 1989, and the passing of the *Australia Act 1986* (Cth) significantly altered the relationship of Australia to governmental bodies in the United Kingdom. It is likely these events affected the pathways by which a new Territory coat of arms could be adopted. More on the procedural considerations surrounding the adoption of a new Territory coat of arms is addressed in Chapter 7.

COMMITTEE COMMENT

- 3.29 The Committee notes the contradictory evidence it received concerning the ownership and use of the City of Canberra Coat of Arms. Due to the nature of this evidence, the Committee has been unable to conclusively determine the legal standing of the City of Canberra Coat of Arms. Because of this, the Committee believes that the ACT Government should seek further advice to determine its legal standing.

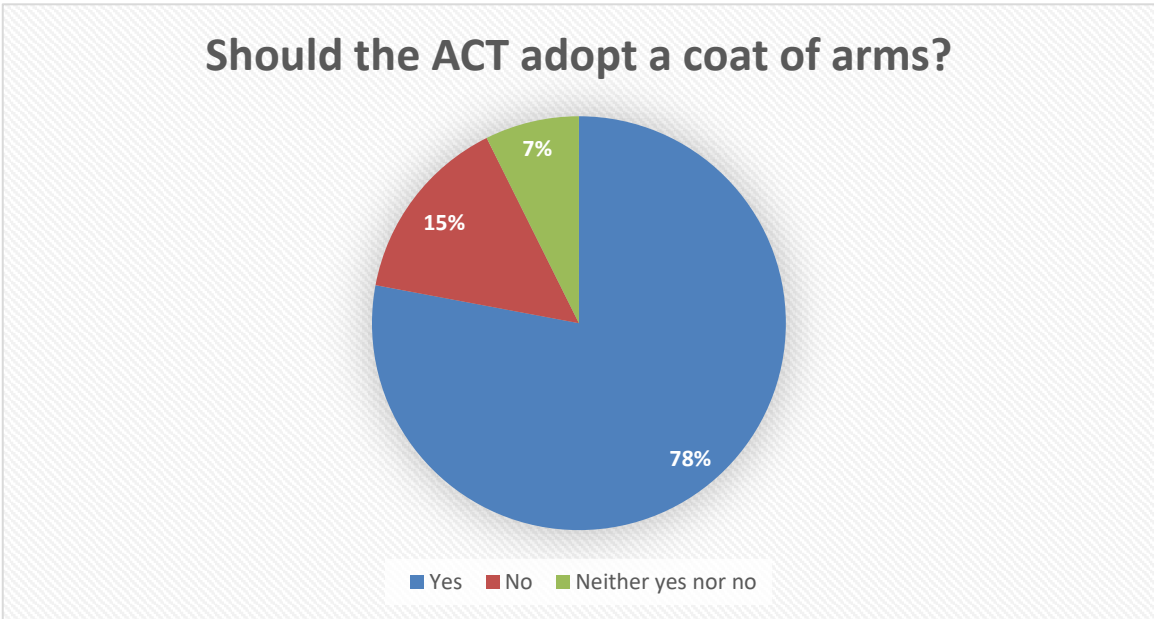
Recommendation 1

- 3.30 The Committee recommends that the ACT Government clarify the legal standing of the City of Canberra Coat of Arms.**

4 SHOULD THE ACT ADOPT A COAT OF ARMS?

4.1 The Committee heard a wide range of opinions from witnesses and submitters on whether the ACT should adopt a Territory coat of arms. A vast majority of these, however, indicated that they supported the idea of a new and separate coat of arms for the Territory. Of the 68 submissions the Committee received, 53 indicated support for the idea; 10 indicated opposition; and 5 neither supported nor opposed this idea (Table 1).

Table 1: Feedback from submitters



SUPPORT FOR AN ACT COAT OF ARMS

- 4.2 In general, witnesses and submitters who supported the adoption of a new coat of arms for the ACT based their opinions on three factors:
1. The current coat of arms used by the ACT Government is the City of Canberra Coat of Arms, not the ACT's;
 2. The current coat of arms is outdated and does not reflect the people, history, geography, fauna and flora of the ACT; and
 3. The process through which the current coat of arms was adopted was not democratic, transparent or accountable.

CITY OF CANBERRA COAT OF ARMS ARE NOT THE TERRITORY'S COAT OF ARMS

4.3 Many of the submitters and witnesses who supported the adoption of a separate coat of arms for the Territory argued that the current coat of arms used by the ACT Government is specifically the coat of arms for the City of Canberra, not the whole jurisdiction of the ACT. As discussed in the previous chapter, this is a contentious issue open to a range of interpretations.

4.4 Reflecting this opinion, Terry Fewtrell and David Headon, for example, submitted that:

The Coat of Arms of the City of Canberra is just that. It is not the Coat of Arms of the ACT... It is neither appropriate nor technically correct for those arms to be used as applying to or representing the ACT. The fact that there is no Coat of Arms for the ACT makes it unique among Australian jurisdictions in not having a dedicated Coat of Arms.⁶²

4.5 Their submission also highlighted that '[a]ll other States and Territories have separate coats of arms for its major city and the jurisdiction'.⁶³

4.6 In a similar vein, Women for an Australian Republic submitted that:

The ACT is the only State or Territory that does not have a coat of arms. The familiar one, that of the black and white swans, is the coat of arms of the City of Canberra... Since self-government, the coat of arms of the City of Canberra has been used also as the identifier for the ACT by the ACT Government. This should now be reconsidered as the two entities are not the same.⁶⁴

4.7 Their submission to the Inquiry included the following table (Table 1) providing information on the coats of arms for the States/Territories and their respective capital cities:

Table 2: Coats of Arms--States/Territories and Capital Cities⁶⁵

State/Territory and <i>Capital City</i>	Date of Effect/Comments	Motto
New South Wales	1906	Latin
Sydney	1905/1996	-
Victoria	1910, amended 1970s	English
Melbourne	1940	Latin
Queensland	1893/1977	Latin

⁶² T Fewtrell and D Headon, *Submission 48*, Attachment A, p. 9.

⁶³ T Fewtrell and D Headon, *Submission 48*, Attachment B, p. 10.

⁶⁴ Women for an Australian Republic, *Submission 63*, letter to the Chief Minister dated 23 May 2012, p. [1].

⁶⁵ Women for an Australian Republic, *Submission 63*, letter to the Chief Minister dated 23 May 2012, Attachment.

Brisbane	1925	Latin
Western Australia	1969	-
Perth	1926	Latin
South Australia	1936/1984	English – “South Australia” only
Adelaide	1929	Latin
Tasmania	1917	Latin
Hobart	1953	Latin
Northern Territory	1978 at self-government	-
Darwin	1959 at city proclamation	Latin
ACT	-	-
Canberra	1928	Latin translated

4.8 Joseph Johnson also expressed a comparable view, noting that the arms of the City of Canberra ‘are not those of the Territory. Although the Territory has used the Arms, presumably because of the lack of a separate grant, ...there are no official Territory Arms at present’.⁶⁶ Steven Squires, likewise, argued that ‘[t]he ACT does not have an official coat of arms and is using the coat of arms of the City of Canberra, a symbol not designed for this purpose’.⁶⁷

4.9 The Heraldry and Genealogy Society of Canberra also argued this point. Representing the Society before the Committee, Geoffrey Kingman-Sugar said:

We believe that the city of Canberra arms belong to the city of Canberra. Whether it itself exists or not, we do not know, but they were designed specifically for Canberra... We believe that the ACT itself does not have arms.⁶⁸

CITY OF CANBERRA COAT OF ARMS IS OUTDATED AND UNREFLECTIVE OF THE TERRITORY

4.10 The major theme running through most submissions and evidence from those who supported the adoption of a new coat of arms for the Territory was the notion that the current coat of arms does not reflect the ACT, its history, its people, and its geography. These contributors suggested that the symbolism of the current coat of arms is anachronistic and unreflective of the ACT in the 21 Century.

⁶⁶ JV Johnson, *Submission 45*, p. [1]. Emphasis in original.

⁶⁷ S Squires, *Submission 42*, p. 1.

⁶⁸ Mr Geoffrey Kingman-Sugar, Heraldry Special Interest Group, Heraldry and Genealogy Society of Canberra, *Transcript of Evidence*, 21 May 2019, p. 23.

4.11 Ivo Ostyn, for instance, told the Committee that:

If you look at current city coat of arms...they do not speak to me. I find them irrelevant in many ways. A castle! Honestly, a castle, a sword, crowns, a mace, a portcullis---are these really symbols of the ACT? I do not think so.⁶⁹

4.12 Liam Craigie, speaking of the modified City of Canberra Coat of Arms represented on the ACT Flag, similarly submitted that:

There is so little typical of Australian sentiment embodied in the original design. The flag instead embodies Old-world Lords, aristocratic imagery of crowns, castles, portcullis, swords and maces.⁷⁰

4.13 David Header also argued this point, submitting that the City of Canberra Coat of Arms ‘do not evoke an instant recognition of the ACT, do not illustrate anything particularly representative of the ACT and show very little that is recognisably Australian within them’.⁷¹

4.14 Many other submissions, likewise, argued that the symbolism of the City of Canberra Coat of Arms is outdated. Comments from these submissions included:

- Canberra’s Coat of Arms should reflect the character of the capital—it should not contain archaic symbols of privilege and monarchy;⁷²
- Remove all reference to the crown or monarch or queen or the UK in the coat of arms and our official motto. It is a total anachronism;⁷³
- In a modern progressive society, symbols need to be inclusive and inspiring. The present ones are neither. They belong to history and need to be not so much discarded, as put aside for symbols that speak to the diverse and layered community we are in;⁷⁴
- While you can see why so many British symbols were used in the original coat of arms, these are long out-dated and never really had anything to do with Canberra let alone Australia, rather only it’s [sic] colonial monarchy and British history—castles and crowns simply don’t scream Canberra to me;⁷⁵
- The focus on the English monarchy / white history is outdated and in poor taste;⁷⁶

⁶⁹ Mr Ivo Ostyn, *Transcript of Evidence*, 21 May 2019, p. 17.

⁷⁰ L Craigie, *Submission 1*. p. [2].

⁷¹ D Header, *Submission 65*, p. 4.

⁷² M Bollen, *Submission 6*.

⁷³ G De Ruyter, *Submission 15*.

⁷⁴ M Sander, *Submission 28*.

⁷⁵ L Hutchison, *Submission 32*.

⁷⁶ R Ingall, *Submission 38*.

- The Canberra Coat of Arms has little connection or relevance to the city and community that we have become in the 21st century... Apart from representations of sword/mace which have some parliamentary links, it includes a castle, two crowns and a portcullis, along with other items that are not readily discernible to the average person;⁷⁷
- A new Coat of Arms need not be in addition to the Canberra City Coat of Arms but should be a replacement in substitution for that design which includes many outdated and irrelevant symbols which do not reflect the Territory in any way, shape or fashion.⁷⁸

4.15 The underlying current in the arguments presented by these contributors was that the ACT needs a new Territory coat of arms that is more closely connected to the Territory and one that more accurately reflects the Territory's people, its geography and its values.

THE PROCESS THROUGH WHICH THE CITY OF CANBERRA COAT OF ARMS WAS ADOPTED WAS NOT DEMOCRATIC, TRANSPARENT OR ACCOUNTABLE.

- 4.16 In a detailed submission to the Committee, David Header pointed out problems in the process through which the City of Canberra Coat of Arms was adopted in 1927-1929. He argued that '[t]he FCC process that resulted in the grant of arms to the FCC from the Monarch was not accountable (neither public nor transparent) in the ways that the citizens of the ACT would rightfully expect today'.⁷⁹ David Headon also touched on this issue when he appeared before the Committee.⁸⁰
- 4.17 Based on an analysis of the relevant primary archival documents, Mr Header recounted the process that resulted in the City of Canberra Coat of Arms. He noted that while a public competition was held for the initial design of the arms, the judging process for this was not transparent, no winner was determined, and the final design bore little resemblance to the designs received through the competition. Mr Header informed the Committee that '[t]he form of the design that was eventually sent to the English College of Arms was made by Wylie [the designer] under the explicit direction of Butters [the FCC Chairman], in regular contact with the Prime Minister, Stanley Bruce, without any public involvement or endorsement whatsoever'.⁸¹

⁷⁷ T Fewtrell and D Headon, *Submission 48*.

⁷⁸ S Boyle, *Submission 61*.

⁷⁹ D Header, *Submission 65*, p. 10.

⁸⁰ Dr David Headon, *Transcript of Evidence*, 21 May 2019, p. 41.

⁸¹ D Header, *Submission 65*, p. 11.

- 4.18 Further to this, Mr Hearder informed the Committee, the design submitted to the College of Arms was subsequently amended, including the replacement of one black swan for a white one, by the College. The Latin motto, and its English rendering, was also chosen by the FCC without consultation with the designer or the wider community.⁸² Mr Hearder also noted that, following the release of the design to the Australian public in late April 1929, there was backlash in the press from some quarters concerning the design and the Latin motto.⁸³

OPPOSITION TO A SEPARATE ACT COAT OF ARMS

- 4.19 In general, those opposed to the adoption of a new coat of arms for the Territory based their opposition on the following factors:

1. The City of Canberra Coat of Arms is the coat of arms for the Territory;
2. The symbolism of the current coat of arms is appropriate; and
3. The adoption of a new coat of arms would be a waste of government resources.

THE CITY OF CANBERRA COAT OF ARMS IS THE COAT OF ARMS FOR THE TERRITORY

- 4.20 Many of the submitters and witnesses opposed to the adoption of a new coat of arms told the Committee that the current coat of arms used by the ACT Government is the de facto Territory coat of arms. This evidence suggested that the distinction between the City of Canberra and the ACT was a fiction.

- 4.21 Matthew Sait, Branch Chairman, ACT and District Branch, Australian Monarchist League, informed the Committee that:

The city of Canberra is not and has never been an entity separate from the territory. There is no corporate existence. It has never used, had a reason to use or had the capacity to use a coat of arms as the city of Canberra. The distinction between Canberra and the ACT is simply a line on the map. This is a distinction which the ACT government and most other people here ignore in every other context.⁸⁴

- 4.22 Richard d'Apice AM, President, the Australian Heraldry Society, speaking about the City of Canberra Coat of Arms, told the Committee:

⁸² D Hearder, *Submission 65*, pp. 11-12.

⁸³ D Hearder, *Submission 65*, pp. 14-15.

⁸⁴ Mr Matthew Sait, Branch Chairman, ACT and District Branch, Australian Monarchist League, *Transcript of Evidence*, 21 May 2019, p. 9.

We do not believe that they are limited to the city of Canberra, the 1928 arms. That does not come out of the grant document... The city of Canberra does not exist as a polity. It does not even have any boundaries, if you go looking in any legislation or determinations of geographical names of borders or anything... But these are the only arms belonging to and used by the Australian Capital Territory... By all means, change them if you decide that that is the right thing to do, but do not do it on the basis that the ACT does not have arms.⁸⁵

4.23 Other submission echoed this theme. Comments from these submissions included the following:

- We already have a coat of arms. . . . because the government of Canberra is the same as the ACT government, and there is no municipal boundary separating the city of Canberra from other settlements in the ACT, there is no need for a separate flag or coat of arms. Canberra and the ACT are one and the same governmentally, and thus should remain so symbolically;⁸⁶
- The purpose of a coat of arms is to represent a person or entity. Everyone now associates the arms with the Territory, not just Canberra. The attempt to distinguish between Canberra and the ACT, for these purposes is pedantry;⁸⁷
- The City of Canberra and the Australian Capital Territory are, *and always have been*, effectively two names for the same thing. Therefore the contention that the ACT has no separate coat of arms, and that the coat of arms familiar to us all actually represents only the “City of Canberra”, is hair-splitting to an extreme degree;⁸⁸
- By using the arms so frequently and for so long the ACT Government has adopted them as its own. Whatever happened in 1928, the current arms now undeniably represent *de facto* the ACT;⁸⁹
- The current Coat of Arms serves a dual purpose of representing both the city and the territory;⁹⁰

⁸⁵ Mr Richard d’Apice AM, President, the Australian Heraldry Society, *Transcript of Evidence*, 21 May 2019, p. 35.

⁸⁶ B Whyte, *Submission 46*, p. [1].

⁸⁷ B Coles, *Submission 49*.

⁸⁸ M Austin, *Submission 50*, p. [1]. Emphasis in original.

⁸⁹ Australian Monarchist League, *Submission 54*, p. [1].

⁹⁰ A McDonnell, *Submission 59*.

THE SYMBOLISM OF THE CURRENT COAT OF ARMS IS APPROPRIATE

4.24 Contributors to the Inquiry who were opposed to the adoption of an ACT coat of arms argued that the symbolism of the City of Canberra Coat of Arms is relevant and appropriate in representing the whole of the Territory.

4.25 Mr Sait told the Committee that the symbolism of the City of Canberra Coat of Arms is fit-for-purpose and remains relevant to modern Canberra:

The most distinct thing about the ACT is that we are the seat of the federal government. The arms encapsulate that really well. The territory does indeed exist for the Queen, the law and the people, as the current motto on the arms states.⁹¹

4.26 Brendan Whyte submitted that the symbols representing the Federal Parliament on the City of Canberra Coat of Arms 'are perfectly symbolic of the purpose of the ACT and Canberra: the national capital'. Because of this, Mr Whyte argued that claims that the current coat of arms 'are outdated relics of foreign country cannot be further from the truth'.⁹²

4.27 Likewise, Maurice Austin submitted the following:

The current symbols almost all represent the role of the Parliament and Canberra in the life of the country, as they should. They include the crowns (an integral part of Parliament, and a symbol of political neutrality), the portcullis (an ancient representation of the two other components of Parliament under the Constitution), the white rose of York (representing the inauguration of Parliament in Canberra in 1927 by the Duke of York, and therefore the commencement of Canberra as the permanent capital)...

The entire design is elegantly brought together by symbols of pre-and-post European settlement (the swans), and the three things that the elected representatives in Parliament should keep in mind: the Crown as a guarantor of neutrality, the law of the land (especially the Constitution), and the people of Australia.⁹³

4.28 The Australian Monarchist League placed particular emphasis on the continuing relevance of 'royal elements' of the current coat of arms, arguing that '[t]he Crown is at the heart of our system of constitutional, democratic government'. Their submission noted, among other things, that the 'Executive Power of the Commonwealth is vested in the Queen; her representative, the Governor General, necessarily resides in the ACT'.⁹⁴ Brenda Coles made a similar point on the importance of the 'royal symbols' and the Australian Heraldry Society contended that '[a]s long as the Australian Capital Territory remains a body politic under the

⁹¹ Mr Matthew Sait, Branch Chairman, ACT and District Branch, Australian Monarchist League, *Proof Transcript of Evidence*, 21 May 2019, p. 9.

⁹² B Whyte, *Submission 46*, p. [2].

⁹³ M Austin, *Submission 50*, p. [2].

⁹⁴ Australian Monarchist League, *Submission 54*, p. 2.

Crown, the use of the crown in the arms of the federal capital territory cannot accurately be described as an anachronism'.⁹⁵

- 4.29 Some of those opposed to the adoption of a Territory coat of arms pointed out that a coat of arms gains relevance as an identifier of an individual or corporate entity through the permanence of its nature. These contributors questioned the notion that a coat of arms should be up-dated to suit changing popular sentiment. Mr Sait, for instance, told the Committee that:

These arms often tend to be very permanent in their nature... The whole nature of them is that they have got to become recognisable. So long as they are distinctive, they are not really the type of thing this is updated to reflect passing fads, modern traditions.⁹⁶

- 4.30 In support of this assertion, Mr Sait pointed to the coat of arms of the city of Amsterdam which contains the crown of Austria. He explained that 'Austria has not been a monarchy for 100 years and it has not ruled the Netherlands for about 250, 300 years.'⁹⁷

- 4.31 In a similar vein, Matthew Bray argued that '[i]t is not the job of heraldry to be a "visual curriculum vitae" or somehow encapsulate all the ideas, aspirations, identities and geographic details that make up the Territory'. Rather, he continued:

The nature of good heraldry...is that it has timeless artistic and symbolic design. I believe the existing arms used for the City of Canberra is an example of good heraldry and should be kept as representative of the ACT...⁹⁸

- 4.32 Brendan Whyte also addressed this issue, submitting that:

Calls for presentist political posturing in our territorial symbology shows a complete lack of understanding of the purpose of that symbology. A coat of arms and a flag are not things to be changed willynilly [sic], but should be eternal reminders of the ideas of our founding fathers, the bedrock on which we move forward.⁹⁹

⁹⁵ B Coles, *Submission 49* and the Australian Heraldry Society, *Submission 57*, p. 9.

⁹⁶ Mr Matthew Sait, Branch Chairman, ACT and District Branch, Australian Monarchist League, *Proof Transcript of Evidence*, 21 May 2019, pp. 11-12.

⁹⁷ Mr Matthew Sait, Branch Chairman, ACT and District Branch, Australian Monarchist League, *Proof Transcript of Evidence*, 21 May 2019, p. 12. See: Hearing 1 - Exhibit 1 - Australian Monarchist League.

⁹⁸ M Bray, *Submission 55*, pp. [1-2].

⁹⁹ B Whyte, *Submission 46*, p. [2].

THE ADOPTION OF A NEW COAT OF ARMS WOULD BE A WASTE OF GOVERNMENT RESOURCES

4.33 Several contributors who opposed the adoption of a Territory coat of arms questions whether adopting a new coat of arms for the Territory would be a justifiable use of government resources.

4.34 Brendan Whyte suggested that ‘there are far better things to be spending time and money on than superfluous an [sic] redundant coats of arms’. He further submitted:

I am concerned that the government is spending time and money on considering designs for a territory coat of are when there are homeless people on our streets... Surely the time and money could be better spent providing blankets and meals as a first step, and affordable housing as a second? After the homeless are permanently accommodated, there is the issue of hospital waiting lists, then hospital leaks, graffiti, litter . . . the list goes on. There are plenty better things to do with MLA’s time and taxpayer’s money than ponder an extra coat of arms.¹⁰⁰

4.35 Similar sentiments were also expressed by Susanne Scott and Brenda Coles.¹⁰¹

ADOPTING NEW INSIGNIA FOR THE TERRITORY, BUT NOT A NEW COAT OF ARMS

4.36 Some contributors proposed the idea that the ACT should adopt new insignia, but not through the model of a coat of arms. Contributors who proposed this idea pointed to the archaic nature of coats of arms and questioned whether the ACT needs to adopt such old-world symbology to represent the Territory and its people.

4.37 Speaking to this point, Matthew Bray submitted that:

...I think it would be better not to try and design a new “coat of arms” at all, but seek to create a different new visual representation for the ACT, such as a logo, that is going to be more palatable to those who seek to disavow the older symbolism of the armorial bearings of Canberra.¹⁰²

4.38 In a similar tone, David Hearder suggested the following:

The ACT Government, if it chooses to do so, has a once in a generation opportunity to create and adopt new Territory insignia for, by and on behalf of all citizens of the

¹⁰⁰ B Whyte, *Submission 46*, pp. [1, 2].

¹⁰¹ S Scott, *Submission 23*; and B Coles, *Submission 49*.

¹⁰² M Bray, *Submission 55*, p. [1].

Territory: ‘to boldly go’ and break free of the English laws of arms and its practices. If it did, it would be leading all other Australian governments on this issue...¹⁰³

4.39 While supporting the adoption of a Territory coat of arms, Steven Squires also suggested that the ACT Government adopt a new logo. He pointed out the following points for considering the current ACT Government logo:

- **Simplicity:** The logo should be simple and easily recognisable by the public. This is so that the public can easily remember the logo, but also so that the design can be easily recognised at a distance.
- **Versatility:** The logo should be able to be used in multiple contexts, including full colour applications. The current logo lacks this ability, due to the complexity of the Canberra City Arms.
- **Relevance:** The logo should use elements or have an element that has high public recognition.¹⁰⁴

4.40 His submission included a suggestion for altering the ACT Government logo which featured the Royall Bluebell. This suggestion is presented below (Figure 6).



Figure 6: Proposed ACT Government logo by Steven Squires¹⁰⁵

IF A NEW TERRITORY COAT OR ARMS WAS ADOPTED, WHAT SHOULD HAPPEN TO THE CITY OF CANBERRA COAT OF ARMS?

4.41 The Committee heard contrasting evidence on what should happen to the City of Canberra Coat of Arms if a new and separate ACT coat of arms was to be adopted. While most suggested that the City of Canberra Coat of Arms should remain intact, though no longer officially used by the ACT Government to represent the Territory, others suggested that an ACT coat of arms should replace the City of Canberra Coat of Arms entirely. Those opposed to the adoption of a

¹⁰³ D Hearder, *Submission 65*, p. 17. Also see: *Transcript of Evidence*, 21 May 2019, p. 45.

¹⁰⁴ S Squires, *Submission 42*, p. 6. Emphasis in original.

¹⁰⁵ S Squires, *Submission 42*, p. 6.

new coat of arms for the Territory, in contrast, suggested that measures be taken to formally adopt the City of Canberra Coat of Arms as the ACT coat of arms.

- 4.42 In its submission to the Inquiry, the ACT Government noted that while it would be 'guided by the community's views as to whether there should be a Coat of Arms for the ACT', at the same time, it clearly indicated that:

...any Coat of Arms for the ACT would be in addition to the City of Canberra Coat of Arms. The City of Canberra Coat of Arms would still exist and remain available for community use.¹⁰⁶

- 4.43 There were other contributors who shared this perspective.¹⁰⁷ Some of these contributors pointed to the City of Canberra Coat of Arms' association with the Royal Australian Navy as a particularly important reason that the arms needed to be preserved and protected. Geoffrey Kingman-Sugar, for example, submitted that:

This is part of our history! These arms have been borne in battle (HMAS Canberra WWII) and two further ships of the Royal Australian Navy have used those arms as the ship's badge under which Naval personnel served. They deserve to remain unaltered for the sake of the history associated with them, as well as for posterity's sake.¹⁰⁸

- 4.44 Several contributors suggested that a new Territory coat of arms should replace the City of Canberra Coat of Arms. Steven Squires, for instance, argued that:

As the ACT Government could soon have a Coat of Arms to represent the whole of the jurisdiction, the City Arms will effectively be [sic] made obsolete, making it appropriate to definitively replace it.¹⁰⁹

- 4.45 Several of those opposed to the adoption of a new Territory coat of arms suggested that the City of Canberra Coat of Arms should be officially made the coat of arms of the ACT. Addressing this point, Matthew Bray, for instance, suggested that 'we can stick with the existing rich symbolism and timeless design in the coat of arms of Canberra and enact the necessary legislation to adopt it for the ACT as well'.¹¹⁰

¹⁰⁶ ACT Government. *Submission 52*, p. [2].

¹⁰⁷ G Kingman-Sugar, *Submission 44*, p. [1]; T Fewtrell and D Headon, *Submission 48*, p. 2; and *Transcript of Evidence*, 21 May 2019, pp. 16-17, 23, 46.

¹⁰⁸ G Kingman-Sugar, *Submission 44*, p. [1]. Also see: T Fewtrell and D Headon, *Submission 48*, p. 2; and *Transcript of Evidence*, 21 May 2019, pp. 23, 46.

¹⁰⁹ S Squires, *Submission 42*, p. 2. Also see: S Boyle, *Submission 61*; and *Transcript of Evidence*, 21 May 2019, p. 45.

¹¹⁰ M Bray, *Submission 55*, p. [2]. Also see: M Austin, *Submission 50*, p. [1]; Australian Monarchist League, *Submission 54*, p. 2; and *Transcript of Evidence*, 21 May 2019, p. 11.

UPDATING THE CITY OF CANBERRA COAT OF ARMS

- 4.46 Some contributors suggested that, if the ACT does not adopt new arms, then the ACT Government should explore the possibility of updating the City of Canberra Arms. David Hearder expressed the idea that the City of Canberra Coat of Arms could be updated:

If this Committee chooses not to recommend that the ACT Government should have new official insignia, then I recommend that the usefulness of amending the existing visual depiction of the FCC arms be explored to better represent the ACT and all its citizens, consistent with the existing grant without seeking a new grant from the English College or Arms.¹¹¹

- 4.47 The process to up-date the City of Canberra Arms could occur via two pathways: 1) up-dating the look of the arms while maintaining consistency with the existing Royal Warrant, or 2) up-dating the arms in a way inconsistent with the Royal Warrant and thus requiring a more elaborate process of adoption (discussed in more detail in Chapter 7).

- 4.48 The description of the City of Canberra Coat of Arms—the Verbal Blazon—included in the Royal Warrant granting the arms stipulates the following:

Azure a triple towered Castle between in chief a Sword of Justice point upwards to the sinister Argent Pomel and Hilt Or surmounted by a Parliamentary Mace head upwards to the dexter Gold in saltire charged at their point of intersection with a representation of the Imperial Crown proper and in base a Rose also Argent barbed and seeded proper (being the Badge of York) And for the Crest On a Wreath of the Colours In front of a Gum Tree issuant from a Mount proper a Portcullis chained Or ensigned with the Imperial Crown also proper.¹¹²

- 4.49 The Letters Patent granting the supporters stipulated the following: ‘On the dexter side a Swan Sable beaked Gules and on the sinister side a White Swan proper’.¹¹³

- 4.50 David Hearder explicitly considered what could and could not be changed on the City of Canberra Coat of Arms within the scope of the existing Royal Warrant. On what could be changed, Mr Hearder noted the following:

- You could delete or alter the compartment, motto and motto scroll.
- You could change the relative sizes of the ‘charges’ on the shield, the parts of the crest, and the supporters without changing their specified colour, relative positions, or any form specified in the verbal blazon.

¹¹¹ D Hearder, *Submission 65*, p. 4.

¹¹² National Archives of Australia, CP188/1, 2.

¹¹³ National Archives of Australia, CP188/1, 3.

For example, you could make the triple towered castle a whole lot smaller, and give it a different design and colour too; you could make the portcullis in the crest all but transparent to display a larger gum tree more prominently (though it would still have to appear to be behind the portcullis).¹¹⁴

4.51 On the elements of the City of Canberra Coat of Arms that could not be changed within the scope of the existing Royal Warrant, Mr Hearder explained the following:

All of the heraldic objects as described in the blazon have to appear in any drawing of the arms and crest, and in their relative positions as written. So there must be a blue shield (though the form of the shield is not stated) that has:

- At the bottom, a white rose that looks like a Badge of York (there are many forms of such), appropriately ‘barbed and seeded’, at the bottom,
- In the middle, a castle that has three towers (and form and detail, colour and size), and
- At the top, a mace (any Parliamentary one, and yellow) crossed as described with the ‘sword of justice’ (white and yellow as described) with the ‘Imperial crown’ (as is) in the middle.

And for the Crest,

- The colours of the wreath are made from the main colours of the shield, so would have to include blue, and the other colour would either be white, if the white rose dominated the castle in relative size, or, the colour of the castle chosen if it wasn’t white but much larger than the white rose, and
- On top of the wreath, any gum tree in any form, sitting on a natural looking hillock, with
- In front of and covering both, of any thickness, a yellow portcullis chained to its base with
- An Imperial crown (as is) sitting on top.¹¹⁵

4.52 As for the Supporters of the arms, Mr Hearder pointed out that as long as a black swan with a red beak (left) and a white swan (right) are depicted in their natural state, ‘the artist is free to choose how they are posed or drawn, as their written description is not explicit’.¹¹⁶

4.53 Figure 7 provides an example of how the City of Canberra Coat of Arms can be updated, or reimagined, within the scope of the existing Royal Warrant granting the arms—i.e., maintaining conformity to the Verbal Blazon.

¹¹⁴ D Hearder, *Submission 65*, p. 15.

¹¹⁵ D Hearder, *Submission 65*, pp. 15-16.

¹¹⁶ D Hearder, *Submission 65*, p. 16.



Figure 7: City of Canberra Coat of Arms by Ian Mackay¹¹⁷

Recommendation 2

- 4.54** Dependant on the legal standing of the City of Canberra Coat of Arms, the Committee recommends that the ACT Government either adopt a Coat of Arms for the Territory or update the City of Canberra Coat of Arms.

¹¹⁷ The Heraldry and Genealogy Society of Canberra, *Submission 51*, Appendix 2, p. 11; and the Australian Heraldry Society, *Submission 57*, Attachment, Members Circular – Issue 159.

5 WHAT SHOULD BE INCLUDED IN AN ACT COAT OF ARMS?

- 5.1 In calling for submissions, one of the two questions the Committee asked potential submitters to address was ‘what symbols might be included in the design of an ACT Coat of Arms’. Contributors to the Inquiry provided numerous suggestions in response to this question. Below, the design concepts, design elements and design suggestions for a Territory coat of arms proposed by contributors is discussed.

DESIGN CONCEPTS

ACT AS THE CAPITAL OF AN INDEPENDENT, MODERN AND PROGRESSIVE NATION

- 5.2 Some contributors emphasised the role of the ACT as the seat of the Federal Government and argued that the Territory coat of arms needs to represent the whole of Australia as an independent, modern and progressive nation.
- 5.3 Nicolle Burt, for instance, argued that:
- As the national capital, it is not only appropriate but a fundamental requirement to develop symbols of state that position the ACT as the key jurisdiction governing our Australian democracy... We are the national capital. An ACT Coat of Arms would signify our leadership position in the Commonwealth of Australia.¹¹⁸
- 5.4 In a similar vein, Jeremy Matthews suggested that a Territory coat of arms needs to ‘signify the ACT’s unique position as the seat of government for the Commonwealth of Australia.’¹¹⁹ Richard d’Apice AM, likewise, informed the Committee that:
- The whole focus of the ACT, and it would not exist otherwise, is that it is the national seat of government. I think it is very important that that be represented.¹²⁰
- 5.5 Others echoed this theme. Sergio Sergi emphasised that the Territory coat of arms ‘must reflect the symbolic importance of Canberra as the Capital City of the Australian Nation; independent self governing...’¹²¹

¹¹⁸ N Burt, *Submission 41*, p. [1].

¹¹⁹ J Matthews, *Submission 53*, p. 1.

¹²⁰ Mr Richard d’Apice, President, the Australian Heraldry Society, *Transcript of Evidence*, 21 May 2019, p. 37.

¹²¹ S Sergi, *Submission 11*.

- 5.6 Others focused on the need to represent Australia as an independent nation. Rosemary Murdock submitted that it was essential to represent 'Australia as an independent nation within the South East Asian region'.¹²² Evan Dently, meanwhile, argued that 'Canberra is first and foremost a symbol of Australian independent thought and decisiveness'.¹²³
- 5.7 Other submitters emphasised the need to represent Australia, and/or the ACT, as a modern and progressive society. Monica Sanders argued that in 'a modern progressive society, symbols need to be inclusive and inspiring'.¹²⁴ Terry Fewtrell and David Headon suggested that:

In advancing consideration of the design, it is important that it express in design terms the locus of the ACT as the setting in which the community lives and give expression to its values as a modern and progressive Australian community.¹²⁵

CONNECTION TO PLACE AND PEOPLE

- 5.8 The underlying theme running through many submissions and witness statements from those who supported the adoption of an ACT coat of arms was the need for the new arms to better reflect the place, people and values of the Territory. Representative of this line of thought, Steven Squires suggested that a Territory coat of arms 'will provide a great opportunity to showcase the ACT and its emblems'.¹²⁶ Stephen Boyle, meanwhile, suggested that a new coat of arms 'is a great opportunity to communicate and celebrate our unique identity'.¹²⁷
- 5.9 Comments from contributors expressing this view included the following:
- Our city's a beautiful and distinctively Australian place, and our community is democratic, patriotic, modern and inclusive. That's why I want the ACT to have symbols that reflect the best of who and where we are;¹²⁸
 - When designing a coat of arms for the ACT the symbols should be relevant to the local ACT area. I want democratic, patriotic, modern and inclusive symbols;¹²⁹
 - The current emblem does not represent the land we live on, the people, our activities and aspirations for the magnificence that is the ACT;¹³⁰

¹²² R Murdock, *Submission 24*.

¹²³ E Dently, *Submission 26*. Also see: A White, *Submission 27*; T Fewtrell and D Headon, *Submission 48*, p. 2; The Heraldry and Genealogy Society of Canberra, *Submission 51*, p. 2.

¹²⁴ M Sander, *Submission 28*.

¹²⁵ T Fewtrell and D Headon, *Submission 48*, p. 3. Also see: H Rangarajan, *Submission 34*; A Kirk, *Submission 37*; and S Squires, *Submission 42*.

¹²⁶ S Squires, *Submission 42*, p. 1.

¹²⁷ S Boyle, *Submission 61*.

¹²⁸ M Cooney, *Submission 2*.

¹²⁹ D Randall, *Submission 9*.

¹³⁰ L Grigg, *Submission 12*.

- All symbols on the coat [sic] of arms should uniquely represent Canberra as an Australian city;¹³¹
- ...the coat of arms should have an un-mistakenly Australian feel, with elements that show off the unique and beautiful identity of Canberra;¹³²
- I believe we need a contemporary coat of arms with relevant symbols which reflects the ACT as a democratic, multicultural and progressive community and which also acknowledges the traditional owners of the area;¹³³
- ...it should reflect Canberra's natural environment, its people, and history;¹³⁴
- ...fully reflect the ideals and values of ACT residents;¹³⁵
- The symbols should be representative of the characteristics of the Territory;¹³⁶
- It should reflect the status and importance of our Territory as a unique and special place and also reflect the aspirations of its citizens;¹³⁷
- ...it is important that a Coat of Arms for the ACT is designed and adopted which speaks to and of this place and people;¹³⁸
- The design should accurately represent the people and place it symbolises...¹³⁹

SIMPLICITY IN DESIGN

5.10 Many contributors emphasised the need to ensure any proposed design for the Territory coat of arms be simple and elegant. Joseph Johnson, for example, argued that '[t]he Arms should be simple, elegant and artistic, and distinctly representative of the Territory'.¹⁴⁰ Terry Fewtrell and David Headon, similarly submitted that '[s]implicity and good design principles should also distinguish the content and format of an ACT Coat of Arms'.¹⁴¹

¹³¹ P Bharucha, *Submission 29*.

¹³² L Hutchison, *Submission 32*.

¹³³ A Kirk, *Submission 37*.

¹³⁴ R Ingall, *Submission 38*.

¹³⁵ S Squires, *Submission 42*, p. 1.

¹³⁶ JV Johnson, *Submission 45*, p. [1].

¹³⁷ I Ostyn, *Submission 47*, p. [2].

¹³⁸ T Fewtrell and D Headon, *Submission 48*, p. 2.

¹³⁹ J Matthews, *Submission 53*, p. 1.

¹⁴⁰ JV Johnson, *Submission 45*, p. [2]. Also see: S Sergi, *Submission 11*.

¹⁴¹ T Fewtrell and D Headon, *Submission 48*, p. 2. Also see: L Thomas, *Submission 35*; E Counsel, *Submission 10*; and S Sergi, *Submission 11*.

- 5.11 Some contributors argued this point from the perspective of good heraldic design principles. Richard d'Apice, for instance, said that '[s]implicity...is of essence in heraldry. Keep it as simple as possible'. This approach, Mr d'Apice informed the Committee, meant some things necessarily would need to be omitted from the eventual design:

I think, to try and represent multiculturalism or to represent the mountains, the streams and the limestone plains, you are never going to be able to crowd all that in. Something has got to be left out. It would be highly undesirable to represent it all, quite frankly.¹⁴²

- 5.12 Others shared these concerns. Geoffrey Kingman-Sugar argued that '[h]eraldry is meant to be clear and concise... If you put too much detail in it you will lose the simplicity. Heraldic design: the keep it simple principle'. Douglas Hassall, similarly, submitted:

One point that needs always to be borne in mind is that, as the traditional principles and practice governing the design of Achievements of Arms indicate, all arms, whether they be for a Nation, a State, a Territory, a Corporation or an Individual, should have a simple and clear design which is easily recognisable at a distance, particularly when they are displayed upon and in any public buildings. In short, some of the best arms ever designed, have been the simplest in design.¹⁴³

- 5.13 Christopher Lindesay echoed this sentiment and pointed to the Commonwealth Coat of Arms as an example of bad heraldry due to its complexity:

The problem with those things is, on websites and on letterheads that I have seen, they are too small because you have got all the quarters in the commonwealth arms. It is too detailed. I think it is a good example of bad heraldry. The challenge is to find some symbols that encapsulates all the things you have been talking about while maintaining simplicity in design.¹⁴⁴

HERALDIC PRINCIPLES

- 5.14 The opinions of contributors were divided on the importance of heeding heraldic principles in designing a coat of arms for the Territory.
- 5.15 Flags of Australia submitted that '[c]oats of arms—as distinct from flags—require at least minimal heraldic input'.¹⁴⁵ ACT Courts and Tribunals similarly argued that 'as a coat of arms is a traditional notion, not a mere logo, any symbolism should respect those traditions'.¹⁴⁶

¹⁴² Mr Richard d'Apice AM, President, the Australian Heraldry Society, *Transcript of Evidence*, 21 May 2019, p. 37.

¹⁴³ Douglas Hassall, *Submission 64*, p. [1]. Emphasis in original.

¹⁴⁴ Mr Christopher Lindesay, Heraldry Special Interest Group, Heraldry and Genealogy Society of Canberra, *Transcript of Evidence*, 21 May 2019, p. 28.

¹⁴⁵ Flags of Australia, *Submission 60*, p. 3.

¹⁴⁶ ACT Courts and Tribunal, *Submission 62*.

- 5.16 In considering the design process for a coat of arms for the Territory, Douglas Hassall emphasised the importance of obtaining ‘expert advice’ from ‘persons and bodies possessing authoritative and proven knowledge and familiarity with the well-established principles of Arms and Heraldry’.¹⁴⁷ Steven Squires and David Headon also suggested the appropriateness of seeking advice from heraldry experts in shaping any potential Territory coat of arms design.¹⁴⁸
- 5.17 Mr Hassall suggested that if proper consideration was not given to the established principles and practices of heraldry—as advised by appropriate experts—the resulting coat of arms would be ‘a confused and cluttered design of arms’.¹⁴⁹
- 5.18 Terry Fewtrell and David Headon suggested that while heraldic principles should be considered, they should not ‘predetermine’ the design of the Territory coat of arms:
- It is the view of this group that heraldic principles and design rules should not predetermine the shape or outline of the Coat of Arms. It is appropriate that these be part of the considerations, but they should not ‘drive’ the design process. The design brief should ensure that there is appropriate scope for the ACT design and creative community to respond to the challenges of producing a final design that elegantly reflects the place and people of the ACT.¹⁵⁰
- 5.19 Other contributors more overtly rejected the need to adhere to the principles and practices of heraldry in guiding the design of the Territory coat of arms.¹⁵¹ Appearing before the Committee, David Hearder asked rhetorically ‘why be constrained by the laws of arms, design straightjacket?’ He noted that ‘we have got an incredible body of people here in Canberra with lots of design expertise. We do not have to be constrained by how heraldry does things’.¹⁵²

DESIGN ELEMENTS

- 5.20 Contributors to the Inquiry provided extensive feedback on the elements which they wished to see included in any new Territory coat of arms. The most popular design elements suggested by contributors were the official floral, faunal and mammal emblems of the ACT and symbolism to represent the Territory’s Traditional Custodians / Aboriginal and Torres Strait Islander community. Other suggested design elements included representation of the Territory’s geography, the Commonwealth Star, multiculturalism and other flora and fauna.

¹⁴⁷ Douglas Hassall, *Submission 64*, p. [1].

¹⁴⁸ Mr Steven Squires and Dr David Headon, *Transcript of Evidence*, 21 May 2019, p. 47.

¹⁴⁹ Douglas Hassall, *Submission 64*, p. [1].

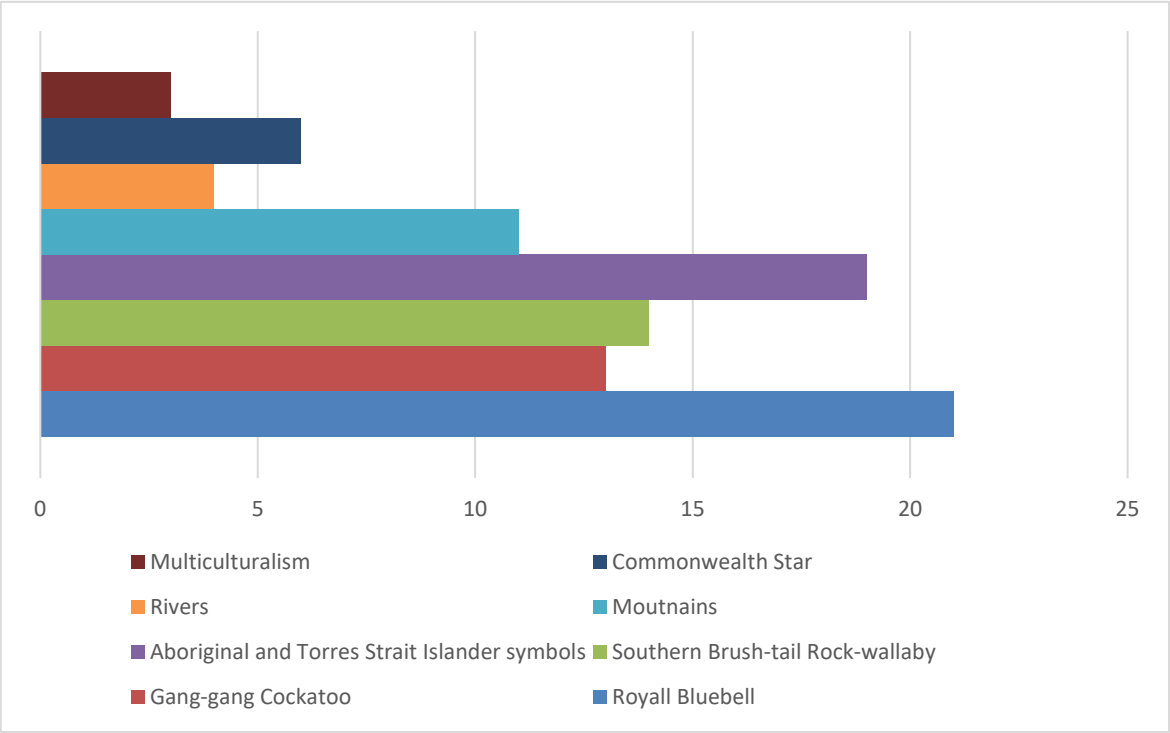
¹⁵⁰ T Fewtrell and D Headon, *Submission 48*, p. 3.

¹⁵¹ D Hearder, *Submission 65*; and N Burt, *Submission 41*.

¹⁵² Mr David Hearder, *Transcript of Evidence*, 21 May 2019, p. 47.

Table 2, below, shows the main design elements suggested in submissions according to their frequency of appearance.

Table 3: Suggested design elements by appearance frequency



COLOURS

- 5.21 Of the submissions which explicitly addressed the issue of appropriate colours for use on an ACT coat of arms, the traditional sporting colours of the ACT—blue and gold—featured predominantly, with some also adding white to this suggestion.¹⁵³
- 5.22 Some suggested that green and gold also be incorporated into the design, reflecting Australia more generally.¹⁵⁴
- 5.23 Women for an Australian Republic did not recommend specific colours but suggested that the design should be '[e]vocative of the colours and features of the landscape'.¹⁵⁵

¹⁵³ N Burt, *Submission 41*; S Squires, *Submission 42*; G Kingman-Sugar, *Submission 44*; Heraldry and Genealogy Society of Canberra, *Submission 51*; J Matthews, *Submission 53*; B Saines, *Submission 58*; and Flags of Australia, *Submission 60*.
¹⁵⁴ N Burt, *Submission 41*; and Flags of Australia, *Submission 60*.
¹⁵⁵ Women for an Australian Republic, *Submission 63*, p. 1.

FLORAL EMBLEM—ROYAL BLUEBELL

- 5.24 On 26 May 1982, the Royal Bluebell (*Wahlenbergia gloriosa*) (Figure 8) was designated as the official floral emblem for the ACT. The Royal Bluebell is native to the ACT region and grows in higher-altitude areas of the Territory, south eastern NSW and eastern Victoria, flowering in Canberra between October and February. The Royal Bluebell was named after the Swedish botanist G. G. Wahlenberg.¹⁵⁶ The Royal Bluebell is also featured on the logo of the ACT Legislative Assembly.



Figure 8: Royal Bluebell¹⁵⁷

- 5.25 The Royal Bluebell was the most popular design element suggested by contributors, appearing in 21 submissions.¹⁵⁸
- 5.26 Only a few contributors provided recommendations on how the Royal Bluebell ought to be represented on an ACT coat of arms. Appearing before the Committee, Tony Burton, for example, suggested:

In a full achievement of a coat of arms...you would perhaps have a sprinkle of bluebells on the compartment at the bottom. A little while ago I said the bluebell can be

¹⁵⁶ ACT Government, 'ACT Flags and Emblems', <https://www.cmtedd.act.gov.au/communication/flags>, viewed 6 August 2019; and ACT Government, *Submission 52*, p. [6].

¹⁵⁷ I Ostyn, *Submission 47*, p. [4].

¹⁵⁸ L Craigie, *Submission 1*; L Grigg, *Submission 12*; S Galbory, *Submission 19*; L Hutchinson, *Submission 32*; V Beddoe, *Submission 40*; N Burt, *Submission 41*; S Squires, *Submission 42*; G Kingman-Sugar, *Submission 44*; JV Johnson, *Submission 45*; I Ostyn, *Submission 47*; T Fewtrell and D Headon, *Submission 48*; The Heraldry and Genealogy Society of Canberra, *Submission 51*; ACT Government, *Submission 52*; J Matthews, *Submission 53*; R Calvert, *Submission 56*; B Saines, *Submission 58*, *Flags Australia, Submission 60*; S Boyle, *Submission 61*; D Header, *Submission 65*; C Ryan, *Submission 66*; and F Boyle, *Submission 67*.

represented not necessarily by an insemination of the compartment but simply by the colour blue...¹⁵⁹

5.27 The Heraldry and Genealogy Society of Canberra also suggested that the Royal Bluebell be represented in the compartment of an ACT coat of arms: 'A green mount strewn with clusters of flowers...*Proper: depicted realistically*'.¹⁶⁰

5.28 In contrast, Geoffrey Kingman-Sugar suggested that the Royal Bluebell 'should have a main position in the shield itself'. Ivo Ostyn also expressed this idea in the design suggestions he provided to the Committee.¹⁶¹

FAUNAL EMBLEM—GANG-GANG COCKATOO

5.29 On 27 February 1997, the Gang-gang Cockatoo (*Callocephalon fimbriatum*) (Figure 9) was adopted as the official faunal emblem for the ACT. The Gang-gang is native to the Territory and Canberra is the only city where the cockatoos live. ACT Park and Conservation Service also use the Gang-gang on their logo.¹⁶²

¹⁵⁹ Mr Tony Burton, Vice-President, Flags Australia, *Transcript of Evidence*, 21 May 2019, p. 5.

¹⁶⁰ The Heraldry and Genealogy Society of Canberra, *Submission 51*, p. 5. Emphasis in original.

¹⁶¹ Mr Geoffrey Kingman-Sugar, Heraldry Special Interest Group, Heraldry and Genealogy Society of Canberra, *Transcript of Evidence*, 21 May 2019, p. 26; I Ostyn, *Submission 47*, pp. [1, 5, 6, 8, 9, 10].

¹⁶² ACT Government, 'ACT Flags and Emblems', <https://www.cmtedd.act.gov.au/communication/flags>, viewed 6 August 2019; and ACT Government, *Submission 52*, p. [6].



Figure 9: Gang-gang Cockatoo¹⁶³

- 5.30 13 submissions suggested that the Gang-gang Cockatoo appear on an ACT coat of arms.¹⁶⁴ Stephen Mills commented that the Gang-gang is ‘surely the most characterful of the local birds’, while Steven Squires suggested an ACT coat of arms feature both male and female Gang-gangs.¹⁶⁵
- 5.31 Stephen Boyle suggested that the Gang-gang should be included as either a pair of supporters for the arms, or one of the supporters paired with a Southern Brush-tailed Rock-wallaby. This idea appeared in several of the suggested designs presented to the Committee by Ivo Ostyn.¹⁶⁶
- 5.32 Other contributors suggested that the Gang-gang be included as the crest of an ACT coat of arms. This idea was expressed by Ivo Ostyn and Steve Squires in the suggested designs they presented to the Committee.¹⁶⁷

¹⁶³ I Ostyn, *Submission 47*, p. [4].

¹⁶⁴ L Grigg, *Submission 12*; S Mills, *Submission 13*; V Beddoe, *Submission 40*; S Squires, *Submission 42*; G Kingman-Sugar, *Submission 44*; JV Johnson, *Submission 45*; I Ostyn, *Submission 47*; The Heraldry and Genealogy Society of Canberra, *Submission 51*; ACT Government, *Submission 52*; R Calvert, *Submission 56*; S Boyle, *Submission 61*; D Hearder, *Submission 65*; and F Boyle, *Submission 67*.

¹⁶⁵ S Mills, *Submission 13*; and S Squires, *Submission 42*, p. 3.

¹⁶⁶ S Boyle, *Submission 61*; and I Ostyn, *Submission 47*, pp. [6, 8].

¹⁶⁷ Dr Joseph Johnson, Heraldry Special Interest Group, Heraldry and Genealogy Society of Canberra, *Transcript of Evidence*, 21 May 2019, p. 28; the Heraldry and Genealogy Society of Canberra, *Submission 51*, p. 5; S Squires, *Submission 42*, p. 3; and I Ostyn, *Submission 47*, pp. [1, 5, 7, 9].

MAMMAL EMBLEM—SOUTHERN BRUSH-TAILED ROCK-WALLABY

- 5.33 As an outcome of the Committee's report on the proposal for a mammal emblem for the ACT,¹⁶⁸ on 29 November 2018, the Legislative Assembly passed a motion to officially adopt the Southern Brush-tailed Rock-wallaby (*Petrogale penicillate*) (Figure 10) as the ACT's mammal emblem.¹⁶⁹ The Rock-wallaby is an endangered species and has not been sighted in the wild since 1959. According to the ACT Government: '[i]n 1996 Tidbinbilla Nature Reserve started a conservation program from a captive population of three animals and since then, they have successfully bred over 60 animals'. In addition, the Government notes that the Rock-wallaby 'has significant cultural importance to the Ngunnawal people'.¹⁷⁰
- 5.34 The Southern Brush-tailed Rock-wallaby was the third most popular design element suggestion, appearing in 14 submissions.¹⁷¹
- 5.35 Steven Squires, Ivo Ostyn, the Heraldry and Genealogy Society of Canberra, and Bradley Saines suggested that the Rock-wallaby could serve as the supporters of an ACT coat of arms, while Stephen Boyle suggested that a Rock-wallaby be paired with a Gang-gang Cockatoo as the supporters.¹⁷²

¹⁶⁸ Standing Committee on Environment and Transport and City Services, *Inquiry into a Proposal for a Mammal Emblem for the ACT*, Report 6, July 2018, https://www.parliament.act.gov.au/_data/assets/pdf_file/0006/1226724/9th-ETCS-06-Inquiry-into-a-proposal-for-a-Mammal-Emblem.pdf, viewed 6 August 2019.

¹⁶⁹ Legislative Assembly for the Australian Capital Territory, *Minutes of Proceedings*, 29 November 2018, p. 1176.

¹⁷⁰ ACT Government, 'ACT Flags and Emblems', <https://www.cmtedd.act.gov.au/communication/flags>, viewed 6 August 2019; and ACT Government, *Submission 52*, p. [6].

¹⁷¹ L Grigg, *Submission 12*; V Beddoe, *Submission 40*; S Squires, *Submission 42*; G Kingman-Sugar, *Submission 44*; JV Johnson, *Submission 45*; I Ostyn, *Submission 47*; the Heraldry and Genealogy Society of Canberra, *Submission 51*; ACT Government, *Submission 52*; J Matthews, *Submission 53*; R Calvert, *Submission 56*; B Saines, *Submission 58*; S Boyle, *Submission 61*; D Hearder, *Submission 65*; and C Ryan, *Submission 66*.

¹⁷² S Squires, *Submission 42*; I Ostyn, *Submission 47*; the Heraldry and Genealogy Society of Canberra, *Submission 51*; B Saines, *Submission 58*; and S Boyle, *Submission 61*.



Figure 10: Southern Brush-tailed Rock-wallaby¹⁷³

5.36 One submitter pointed to the Southern Brush-tail Rock-wallaby's endangered status as a reason to avoid using it on an ACT coat of arms. Lisa Thomas submitted:

Do not use the mammal emblem because if it becomes extinct then we are forever reminded of this failure on the coat of arms.¹⁷⁴

¹⁷³ I Ostry, *Submission 47*, p. [4].

¹⁷⁴ L Thomas, *Submission 35*.

REPRESENTATION OF THE TRADITIONAL CUSTODIANS/ABORIGINAL AND TORRES STRAIT ISLANDER COMMUNITY

5.37 The second most common suggestion in submissions for design elements was the idea that the Territory's Aboriginal and Torres Strait Islander community and history should be represented. 19 submissions made such a suggestion.¹⁷⁵ It was often not clear in submissions if this suggestion related to the Aboriginal and Torres Strait Islander community, the Australian Aboriginal community, or the Traditional Custodians of the Capital region.

5.38 Several contributors suggested that it was necessary for the ACT Government to consult with the Traditional Custodians of the ACT region to determine appropriate design elements to represent the Traditional Custodians and/or the Aboriginal and Torres Strait Islander community.¹⁷⁶ Terry Fewtrell and David Headon, for instance, noted that:

The ACT's Aboriginal communities would have some suggestions for symbolism and imagery that would appropriately express their part in our overall story and their close identity with the land of this place in which we all live.¹⁷⁷

5.39 Echoing this sentiment, Steven Squires informed the Committee that:

As we become more accustomed to, more knowledge about and more aware of Indigenous symbolism and Indigenous culture, we should incorporate that in a respectful way. In a respectful way we should consult with local Indigenous organisations. For instance ATSIEB, the Aboriginal and Torres Strait Islander Elected Body, is an option, as is the Nggunawal elders council or perhaps the Ngambri equivalent if that is the decision of the ACT government.¹⁷⁸

5.40 Steven Squires also suggested that the incorporation of Indigenous recognition into an ACT coat of arms could serve to promote greater reconciliation:

With some good planning, a new ACT Coat of Arms can help reconciliation too. As our country increasingly embraces the depth of its Indigenous history, there is an opportunity to include symbols and motifs that evoke the many millennia of culture that has taken place here. The inclusion of Indigenous symbols (provided it is done with respect to Indigenous cultures) would add an extra layer of meaning.¹⁷⁹

¹⁷⁵ J Mahon, *Submission 14*; D Turner, *Submission 22*; J Skorich, *Submission 30*; L Hutchinson, *Submission 32*; H Rangarajan, *Submission 34*; A Kirk, *Submission 37*; R Ingall, *Submission 38*; A Marich, *Submission 39*; N Burt, *Submission 41*; S Squires, *Submission 42*; G Kingman-Sugar, *Submission 44*; JV Johnson, *Submission 45*; I Ostin, *Submission 47*; T Fewtrell and D Headon, *Submission 48*; the Heraldry and Genealogy Society of Canberra, *Submission 51*; ACT Government, *Submission 52*; S Boyle, *Submission 61*; and D Header, *Submission 65*.

¹⁷⁶ R Ingall, *Submission 38*; and ACT Government, *Submission 52*

¹⁷⁷ T Fewtrell and D Headon, *Submission 48*, p. 3.

¹⁷⁸ Mr Steven Squires, *Transcript of Evidence*, 21 May 2019, p. 42.

¹⁷⁹ S Squires, *Submission 42*, pp. 1-2.

5.41 Related suggestions from submissions included the following:

- ...crossed boomerangs or an Aboriginal shield in the colours of the Aboriginal flag;¹⁸⁰
- A local indigenous [sic] symbol...;¹⁸¹
- The design should also include symbols that link us to our Aboriginal citizenry and history;¹⁸²
- A coat that acknowledges the Indigenous owners of this region...;¹⁸³
- ...symbols which reflect the ACT as a democratic, multicultural and progressive community and which also acknowledges the traditional owners of the area;¹⁸⁴
- I think something native to Canberra, and something significant to Canberra's indigenous [sic] history;¹⁸⁵
- References to the Ngunnawal people as the traditional landowners of the ACT should also be included in the design...;¹⁸⁶
- There should be representation of our indigenous [sic] heritage, be it in art form or as a motto for the Territory;¹⁸⁷ and
- ...the Coat of Arms should also represent the history of the Ngunnawal people. Ideally this could include some form of indigenous [sic] art or imagery which depicts 'meeting place'.¹⁸⁸

5.42 Several submissions recommended that the Aboriginal symbol for a meeting place (Figure 11) be incorporated into the design. On this symbol, Steven Squires submitted that it:

...is used in Indigenous Australian cultures to symbolise an area where different groups meet. This alludes to the ACT's historical role as a meeting place for Indigenous corroborees, the meeting place of the newly-formed Australian Commonwealth, and now the meeting place for the many cultures that form our community.¹⁸⁹

¹⁸⁰ J Mahon, *Submission 14*.

¹⁸¹ J Skorich, *Submission 30*.

¹⁸² L Hutchinson, *Submission 32*.

¹⁸³ H Rangarajan, *Submission 34*.

¹⁸⁴ A Kirk, *Submission 37*.

¹⁸⁵ A Marich, *Submission 39*.

¹⁸⁶ G Kingman-Sugars, *Submission 44*, p. [1]. Emphasis in original.

¹⁸⁷ JV Johnson, *Submission 45*, p. [1].

¹⁸⁸ S Boyle, *Submission 61*.

¹⁸⁹ S Squires, *Submission 42*, p. 4. Also see: I Ostry, *Submission 47*; and S Boyle, *Submission 61*.

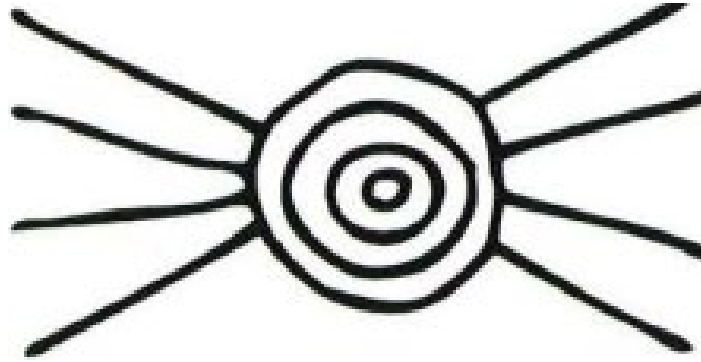


Figure 11: Aboriginal symbol for a meeting place¹⁹⁰

- 5.43 The Heraldry and Genealogy Society of Canberra suggested that the ACT's Indigenous heritage could be represented in the motto of a Territory coat of arms in Ngunnawal language. They suggested that close consultation with the ACT's Indigenous community would be 'essential in pursuing such a proposal'.¹⁹¹

THREE BRANCHES OF GOVERNMENT

- 5.44 Several contributors highlighted the need to represent the three branches of government—the legislative, the executive and the judicial—and the separation of power between these. Flags Australian, for example, submitted that 'Canberra and the Territory made for it will always have connection with government and its three fold separation of powers. This reference to governance should be retained...'¹⁹²
- 5.45 ACT Courts and Tribunal similarly submitted that '[a]ny new coat of arms or Territory symbol should acknowledge the three arms of government'.¹⁹³ The ACT Law Society expressed the same view, adding that the 'actual symbolism used is not important to the Society, but should be of a kind acceptable to a broad range of community views and reflecting current community attitudes and standards'.¹⁹⁴
- 5.46 Richard d'Apice expressed a comparable opinion:
- ...I think the symbolism of the three branches of government which are to be found in the 1928 arms should be maintained. You have got the mace for the parliament... the sword of justice, to represent the second branch of government; and the portcullis

¹⁹⁰ S Squires, *Submission 42*, p. 4.

¹⁹¹ The Heraldry and Genealogy Society of Canberra, *Submission 51*, p. 6.

¹⁹² Flags of Australia, *Submission 60*, p. 4.

¹⁹³ ACT Courts and Tribunal, *Submission 62*.

¹⁹⁴ ACT Law Society, *Submission 68*.

which represents the executive power. This is a matter of interest not just to Canberrans but to Australians generally.¹⁹⁵

GEOGRAPHY

5.47 Representation of the geography of the ACT region also popularly featured among the suggested design elements by submitters. Mountains were suggested in 11¹⁹⁶ submissions while rivers were suggested in four.¹⁹⁷

5.48 Arguing the case for including representation of mountains in an ACT coat of arms, Terry Fewtrell and David Headon submitted:

As residents of the ACT we live our lives against the background of the Brindabella Range. This is the context of our lives. We love those hills and the way they frame our city and our lives. They are the backdrop to our lives and in part define us. It would be distinctive and appropriate for the Brindabella Range to feature as a dominant element of the design of a Coat of Arms, just as it is in our natural world.¹⁹⁸

5.49 The Heraldry and Genealogy Society of Canberra expressed a similar perspective, noting the following points to support incorporating a portrayal of mountains:

- High-elevation area of the ACT; 60 per cent of the ACT is hilly or mountainous;
- Iconic part of the natural setting for the ACT, the city of Canberra and other communities within the ACT;
- Long history of Indigenous use and custodianship;
- Associated with water resources, biodiversity and quality of life; and
- Namadgi National Park – scenery, recreation, conservation.¹⁹⁹

5.50 The Society also provided advice on how this could be represented according to traditional heraldic practice (Figure 12).

¹⁹⁵ Mr Richard d'Apice AM, President, the Australian Heraldry Society, *Transcript of Evidence*, 21 May 2019, p. 37.

¹⁹⁶ L Grigg, *Submission 12*; S Koodiaroff, *Submission 20*; G Kingman-Sugar, *Submission 44*; JV Johnson, *Submission 45*; I Ostyn, *Submission 47*; T Fewtrell and D Headon, *Submission 48*; the Heraldry and Genealogy Society of Canberra, *Submission 51*; J Matthews, *Submission 53*; R Calvert, *Submission 56*; B Saines, *Submission 58*; Flags of Australia, *Submission 60*.

¹⁹⁷ G Kingman-Sugar, *Submission 44*; JV Johnson, *Submission 45*; I Ostyn, *Submission 47*; and the Heraldry and Genealogy Society of Canberra, *Submission 51*.

¹⁹⁸ T Fewtrell and D Headon, *Submission 48*, p. 3.

¹⁹⁹ The Heraldry and Genealogy Society of Canberra, *Submission 51*, p. 4.



Part of Canberra, looking west to the Brindabellas

Charge (Division)

Mountains can be symbolised on a shield by a jagged line (*fess indented*) or pair of lines (*fess dancetty*)



Figure 12: Representation of mountains as suggested by the Heraldry and Genealogy Society of Canberra²⁰⁰

- 5.51 The Society also provided advice on how to represent rivers in accordance with established heraldic practice (Figure 13).



Murrumbidgee River from Shepherds Lookout

Charge

Water is symbolised on a shield by wavy lines (*barry wavy*)



Figure 13: Representation of rivers as suggested by the Heraldry and Genealogy Society of Canberra²⁰¹

²⁰⁰ The Heraldry and Genealogy Society of Canberra, *Submission 51*, p. 4.

²⁰¹ The Heraldry and Genealogy Society of Canberra, *Submission 51*, p. 4.

OTHER DESIGN ELEMENTS

- 5.52 Six submissions suggested the inclusion of the Commonwealth Star/Star of Federation (Figure 14) in the design of a coat of arms for the Territory.²⁰²



Figure 14: Commonwealth Star as depicted by Ivo Ostyn²⁰³

- 5.53 Steven Squires, in calling for the inclusion of the Commonwealth Star, argued that it ‘[s]ymbolises the ACT as Australia’s seat of government and the ACT as part of the Commonwealth of Australia’.²⁰⁴ The Heraldry and Genealogy Society of Canberra included a similar statement in its submission, adding that the Commonwealth Star also referenced ‘clear night skies; links with astronomy (Mt Stromlo); Canberra Deep Space Communication Centre as Tidbinbilla’.²⁰⁵
- 5.54 While opposed to the adoption of a Territory coat of arms, the Australian Monarchist League submitted that ‘[i]f the ACT were to adopt a new coat of arms, the new arms should prominently feature a crown or some other element representing our monarchy’.²⁰⁶
- 5.55 Three submissions called for symbolic reference to multiculturalism to be included in an ACT coat of arms design. Lauren Hutchison, for example, submitted that ‘If there is a shield incorporated it should be multicoloured in skin tones to express Canberra’s multiculturalism’.²⁰⁷

²⁰² N Burt, *Submission 41*; S Squires, *Submission 42*, Ivo Ostyn, *Submission 47*; the Heraldry and Genealogy Society of Canberra, *Submission 51*; B Saines, *Submission 58*; and Flags of Australia, *Submission 60*.

²⁰³ Ivo Ostyn, *Submission 47*, p. [8].

²⁰⁴ S Squires, *Submission 42*, p. 3.

²⁰⁵ The Heraldry and Genealogy Society of Canberra, *Submission 51*, p. 4.

²⁰⁶ Australian Monarchist League, *Submission 54*, p. 2.

²⁰⁷ L Hutchison, *Submission 32*. Also see: S Koodiaroff, *Submission 20*; and A Kirk, *Submission 37*.

DESIGN SUGGESTIONS

- 5.56 Several submitters provided suggested designs for an ACT coat of arms. A selection of these are presented below (Figures 15-22).



Figure 15: Proposed coat of arms by Steven Squires²⁰⁸



Figure 16: Proposed coat of arms by Ivo Ostyn²⁰⁹

²⁰⁸ S Squires, *Submission 42*, p. 3.

²⁰⁹ I Ostyn, *Submission 47*, p. [5].



Figure 17: Proposed coat of arms by Ivo Ostyn²¹⁰

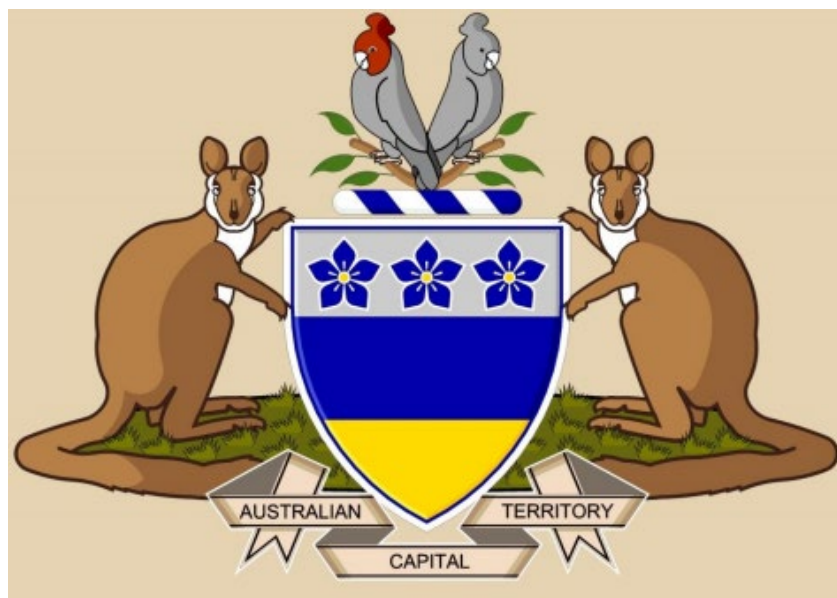


Figure 18: Proposed coat of arms by Ivo Ostyn²¹¹

²¹⁰ | Ostyn, *Submission 47*, p. [6].

²¹¹ | Ostyn, *Submission 47*, p. [9].



Figure 19: Proposed coats of arms by Bradley Saines²¹²

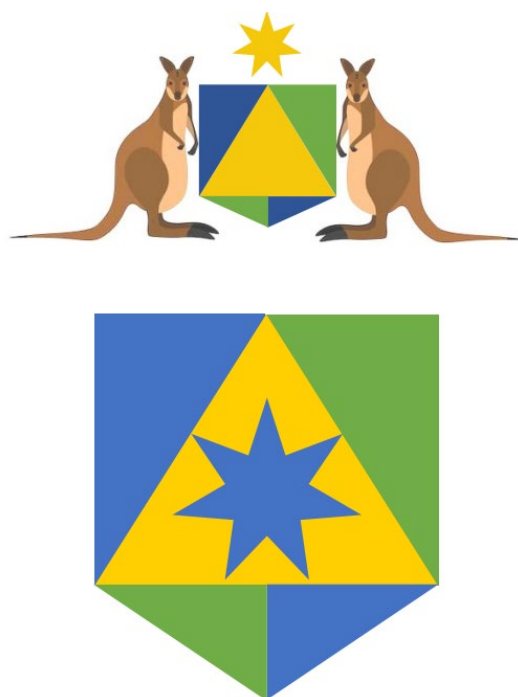


Figure 20: Proposed coat of arms by Flags of Australia²¹³

²¹² B Saines, *Submission 58*, p. [1].

²¹³ Flags of Australia, *Submission 60*, p. 4.

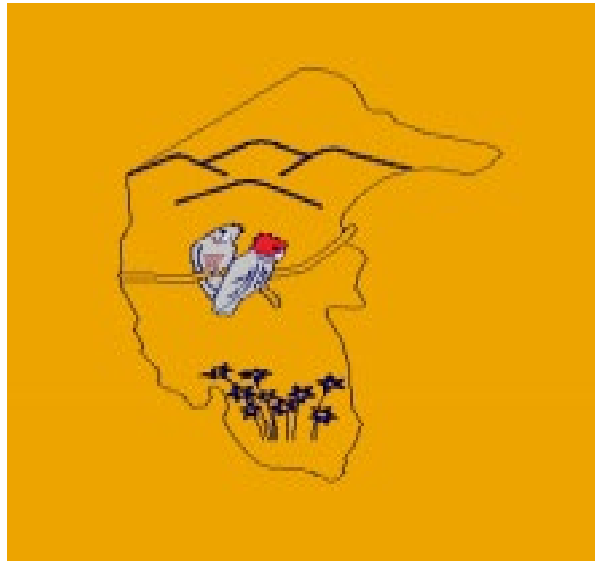


Figure 21: Proposed emblem by Lyn Grigg²¹⁴



Figure 22: Proposed emblem by Ivo Ostyn²¹⁵

²¹⁴ L Grigg, *Submission 12*. Christopher Ryan expressed support for this design. See: C Ryan, *Submission 66*.

²¹⁵ I Ostyn, *Submission 47*, p. [10].

6 OPPORTUNITIES FOR COMMUNITY PARTICIPATION

6.1 As noted in Chapter 4, significant issues associated with the City of Canberra Coat of Arms, as identified by contributors to the Inquiry, are: 1) its symbolism does not resonate with a large sector of the ACT's population and 2) it was adopted through a process that was not democratic and which lacked transparency and accountability. The Committee heard that if the Territory were to adopt a coat of arms, this must involve genuine consultation with the community to ensure that any design eventually chosen reflects popular sentiment and resonates with ACT residents.

6.2 The need to ensure that an ACT coat of arms be adopted through consultation with the community was recognised by the ACT Government, which stated in its submission to the Inquiry:

It is important that there is strong community support for the introduction of a Coat of Arms for the ACT before any change is made. The ACT Government will be guided by the majority community view on this matter.²¹⁶

SCOPE OF COMMUNITY CONSULTATION

6.3 The opinions of contributors on who should be included in any consultation process differed, with some suggesting Australia-wide consultation would be necessary and others suggesting only consultation with the residents of the Territory would be required. The opinion of contributors also differed on what type of community consultation should be undertaken.

6.4 Some contributors emphasised the Territory's role as the national capital and claimed that any coat of arms for the Territory must necessarily involve consultation with the wider Australian population. Representative of this perspective, Richard d'Apice AM, informed the Committee that:

I think that the consultation should be Australia wide and not limited to the ACT. Although you are the residents of this place, it was created in the first place and its primary function is to house our federal apparatus—all three branches of it—and I think it is most important that that be the primary focus of symbols which represent you.²¹⁷

²¹⁶ Act Government, *Submission 52*, p. [7].

²¹⁷ Mr Richard d'Apice AM, President, the Australian Heraldry Society, *Transcript of Evidence*, 21 May 2019, p. 38. Also see: the Australian Heraldry Society, *Submission 57*, pp. 9, 13.

- 6.5 In contrast, other contributors emphasise that a Territory coat of arms would serve to symbolise the Territory and its people, not the wider Australian community, and indicated that consultation should focus on the ACT community. Terry Fewtrell and David Headon, for instance, suggested that:

It would be appropriate that there is a suitable mechanism for the ACT community to have some form of input into the design process.²¹⁸

- 6.6 They elaborated on the type of input the community could make:

At the time of the announcement [to develop an ACT coat of arms] the public could be invited to suggest/submit ideas or concepts appropriate for inclusion in an ACT Coat of Arms. A period of public comment/input would follow, during which ACT citizens could submit ideas via a website set up to facilitate the project. It would also be possible to support this process by using other ACT Government website platforms. The process could also be augmented by encouraging local media to facilitate public discussion and ideas generation...²¹⁹

- 6.7 David Hearder expressed a similar opinion:

The adoption of new insignia for the Territory is not a simple Executive or Legislative Assembly decision alone to make. All citizens of the ACT should have an opportunity to say how new insignia are developed. To be truly democratic, all citizens of the ACT should have the opportunity to participate in and engage with the final decision making, to own the insignia of the ACT made by, for, and on behalf of all the citizens of the ACT. This process needs to be open and transparent, and above all accountable to the citizens of the ACT if the ACT Government is to avoid the undemocratic and unrepresentative processes that led to the existing FCC arms, with all the public criticism of it that has carried on to this day.²²⁰

- 6.8 The Australian Heraldry Society suggested that an attempt to consult with the public on every design aspect of a new coat of arms would be 'fraught with difficulty'. Instead, the Society proposed 'that the consultation should be limited to the elements which might find a place in a new coat of arms leaving the detail of their arrangement to those with expertise in the design of arms'.²²¹

- 6.9 Women for an Australian Republic suggested that there should be 'a design competition, commissioned by the ACT Government and open to the world's best designers'. 'For public contribution to the design phase', they continued:

²¹⁸ T Fewtrell and D Headon, *Submission 48*, p. 5.

²¹⁹ T Fewtrell and D Headon, *Submission 48*, p. 6.

²²⁰ D Hearder, *Submission 65*, p. 17.

²²¹ The Australian Heraldry Society, *Submission 57*, p. 13.

...we recommend that used by the New Zealand Government for the design of a new flag during 2015 and 2016. The New Zealand Flag Consideration Panel consisted of 12 members including a youth representative who was a school student.²²²

6.10 Finally, Women for an Australian Republic recommended that:

There should be a later, broader public consultation and involvement at an advanced stage of the choice process to increase civics awareness and education. Unlike what took place in NZ, we do not recommend open slather on designs open to all-comers and run-off voting to come up with a result as this process will be too unwieldy (and costly) for a small jurisdiction.²²³

6.11 Some people did not indicate a preference for the community to be involved in the design process but recommended that ACT residents be allowed a vote on the adoption of any proposed design. Nicolle Burt, for example, submitted that:

I also respectfully suggest that the people of the ACT are given the opportunity to vote on the final choice of a new Coat of Arms. I suggest that a final postal ballot on the top three designs (selected by the Standing Committee) would be the least inconvenient voting method for ACT electors. Should there be a tie, then the Legislative Assembly could have a free vote on the final design.²²⁴

COMMITTEE COMMENT

6.12 The Committee notes that this Inquiry has been a first step towards community consultation on whether the ACT should, or should not, adopt a coat of arms and what elements should be included in the design. As indicated in this report, an overwhelming majority of submitters indicated support for the adoption of a Territory coat of arms and provided wide-ranging advice on what should be considered for any design of such a coat of arms.

6.13 Given the interest from the community and the range of views on what should be included in a new or updated Territory Coat of Arms, the Committee believes further consultation on potential final designs should be undertaken with the community before adopting a new Territory Coat of Arms.

Recommendation 3

6.14 The Committee recommends that the ACT Government engage in community consultation to determine the final design for any new Coat of Arms for the ACT.

²²² Women for Australian Republic, *Submission 63*, p. 2.

²²³ Women for Australian Republic, *Submission 63*, p. 2.

²²⁴ N Burt, *Submission 41*, p. [2].

7 PROCEDURAL CONSIDERATIONS FOR ADOPTING A COAT OF ARMS

- 7.1 During the inquiry the Committee investigated the rules and procedures that apply when adopting coats of arms. Because it happens so infrequently, there is no clear and established process for adopting a jurisdictional coat of arms in Australia. This is especially the case since the last time an Australian jurisdiction adopted a new coat of arms was in 1984, prior to the passing of the *Australia Act 1986* (Cth), and because Australia does not currently have a domestic authority for the issuance and regulation of heraldic devices.
- 7.2 In its submission to the Inquiry, the ACT Government recognised this fact, noting that:
- Due to the infrequent introduction of Coats of Arms for States and Territories in Australia, the current process is untested and will need to be carefully considered to ensure it is modern and robust.²²⁵

AUSTRALIAN PRECEDENTS

- 7.3 Each of the Australian States and the Northern Territory has been granted a coat of arms by Royal Assent or Royal Warrant (see Table 2, Chapter 4). The most recent occasion was 1984 in South Australia.²²⁶
- 7.4 The capital cities of the States and the Northern Territory have also each adopted a coat of arms (see Table 2, Chapter 4).
- 7.5 The historic example with the most equivalence or relevance for the ACT is perhaps the Northern Territory, as it similarly is not a State under Australia's Constitution but a self-governing Territory under the jurisdiction of the Commonwealth Parliament.²²⁷ The Committee wrote to the Northern Territory Government seeking information about the historical process undertaken in 1977-1978 to design and adopt their coat of arms, and was told that:

An artist was engaged during the latter of 1977 to create a range of coat of arms designs using Territory flora and fauna for consideration.

In March 1978, having received the consensus of the Prime Minister of the day, the then Majority Leader of the Northern Territory, Mr Paul Everingham, wrote to the College of Arms, London, asking to put in motion the necessary steps toward

²²⁵ ACT Government, *Submission 52*, p. [4].

²²⁶ The South Australian Government Gazette, 19 April 1984, pp. 950-951, contained in Exhibit 4 – Australian Heraldry Society; Richard d'Apice,

²²⁷ Australia's Constitution, s. 122.

requesting Her Majesty, The Queen, lay down the Royal Warrant armorial bearings for the Northern Territory of Australia. The Territory was granted self-government on 1 July 1978, and on 11 September 1978 the Coat of Arms came into effect.²²⁸

- 7.6 Importantly however, these examples from other Australian jurisdictions predate the passing of the *Australia Act 1986* (Cth), which confirmed the Commonwealth of Australia's status as a 'sovereign, independent and federal nation', and ended the remaining possibilities for the United Kingdom Parliament to legislate with effect in Australia or be involved in the government of Australia.²²⁹

PROCESS FOR GRANTING A COAT OF ARMS

- 7.7 The Committee heard evidence from contributors that there are three potential pathways via which a coat of arms for the Territory could be adopted: 1) through the College of Arms, London; 2) through the Royal Prerogative of Australia; and 3) through the legislative mechanism.

COLLEGE OF ARMS, LONDON

- 7.8 As noted in Chapter 2, while coats of arms are traditionally issued and regulated by heraldic authorities, Australia currently has no such authority. The English heraldic authority, the College of Arms in London, currently claims jurisdiction over Australia:

The College of Arms is the official heraldic authority for England, Wales, Northern Ireland and much of the Commonwealth including Australia and New Zealand.²³⁰

- 7.9 Several contributors to the Inquiry appeared to accept this assertion by the College of Arms.²³¹ The Heraldry and Genealogy Society of Canberra submitted that:

For the proposed ACT Coat of Arms to have the international standing and recognition befitting the Territory, including its historical, current and future roles within the Commonwealth of Australia, the ACT Coat of Arms must be formally awarded and registered by the heraldic authority accredited to do so. At this time (since Australia does not have its own Heraldic Authority) that authority is the College of Arms, London...²³²

²²⁸ Letter from the Northern Territory Government, dated 3 May 2019.

²²⁹ *Australia Act 1986* (Cth).

²³⁰ College of Arms, <https://www.college-of-arms.gov.uk/>, viewed 12 August 2019.

²³¹ JV Johnson, *Submission 45*; and the Heraldry and Genealogy Society of Canberra, *Submission 51*.

²³² The Heraldry and Genealogy Society of Canberra, *Submission 51*, p. 8.

- 7.10 The Committee sought advice from the College of Arms on the process by which a coat of arms could be adopted via the College. The College advised:

All Coats of Arms under English heraldic law are granted under the Royal Prerogative. Since the early 15th century The Sovereign has delegated the power to the three senior heralds or Kings of Arms to grant arms and in 1484 the heralds were incorporated into a College of Arms to act as an official registry of Arms. Nearly all grants of arms are made by letters patent of the Kings of Arms, but in a few cases such as States or the equivalent in other countries of which The Queen is Sovereign the grant is initiated by an approach from the state either through the Governor General or through the Secretary of State for Foreign and Commonwealth Affairs to the Sovereign and the grant is made by Royal Warrant. In both cases the grant is dealt with by the College of Arms and recorded at the College of Arms. If a grant was to be made by Royal Warrant, I should therefore approach the Foreign and Commonwealth Office on your behalf.²³³

- 7.11 Several contributors objected to the self-proclaimed authority of the College of Arms to having jurisdiction over the issuing of grants of arms in Australia—especially to body politics within Australia as a sovereign state, as opposed to individuals.²³⁴

- 7.12 Terry Fewtrell and David Headon informed the Committee that:

Since the passage of the Australian Act (1986) it is understood that the College of Arms no longer has jurisdiction in Australia...²³⁵

- 7.13 Matthew Bray argued the following:

The English College of Arms is not the competent body to bestow arms on Australian people or institutions because it is an agency empowered from its authority from the ‘fons honorum’ of the Queen of England. The Queen in right of Australia is a different legal person and has not explicitly empowered the College of Arms to exercise her royal prerogative to bestow arms on Australia.²³⁶

- 7.14 Other witnesses echoed this point on the relationship between the Queen of Australia and the College of Arms in London. Geoffrey Kingman-Sugar told the Committee that ‘the College of Arms is part of the Queen of the United Kingdom’s household, not the Queen of Australia’s household’.²³⁷

- 7.15 On the granting of arms via the College of Arms, the Australian Heraldry Society submitted the following:

²³³ Email from Garter Principal King of Arms, dated 23 February 2019.

²³⁴ T Fewtrell and D Headon, *Submission 48*; M Bray, *Submission 55*; and the Australian Heraldry Society, *Submission 57*.

²³⁵ T Fewtrell and D Headon, *Submission 48*, p. 5.

²³⁶ M Bray, *Submission 55*, p. [2]. Emphasis in original.

²³⁷ Mr Geoffrey Kingman-Sugar, Heraldry Special Interest Group, the Heraldry and Genealogy Society of Canberra, *Transcript of Evidence*, 21 May 2019, p. 29.

A grant by a delegate (such as the Kings of Arms) is not the method by which arms of sovereignty and dominion are traditionally granted to a State or Territory as is demonstrated by the 1928 Royal Warrant and the Royal Warrants granting arms to the various States. Such a grant is traditionally made by the Sovereign directly.

Any such grant by the Kings of Arms of England would first involve a petition to the Earl Marshal of England and would be made by the Kings of Arms of England using the style and titles of the Queen of Australia whose heraldic power has not been shown to be demonstrated to have been delegated to them.

...

Australia has no participation in their appointment. Their practices in purported exercise of the Australian Prerogative Power is subject to neither delegation from, reporting to nor supervision by any Australian authority. The Society believe that this is entirely inappropriate and strongly submits that the ACT Government should not follow this route.

The Society believe that this course of action would be entirely inappropriate for the Territory of the capital of a sovereign nation.²³⁸

7.16 Concluding, the Society submitted 'that the Australian Capital Territory should no seek a grant of arms from the King of Arms of England at the College of Arms in London'.²³⁹

7.17 Matthew Bray also pointed out in his submission that a grant of arms via the College of Arms 'costs in excess of GBP10,000'. He suggested that this money could be better spent on 'commissioning local artists and exercising our own independent capacity to adopt symbols rather than requesting they be bestowed by a foreign monarch'.²⁴⁰

7.18 A statement by the then-Prime Minister, The Hon. Malcolm Turnbull MP, in the House of Representative on 7 February 2018, provides support for the assertion that a coat of arms could legitimately be adopted in Australia without reference to the College of Arms, or other such bodies:

The practice of the College of Arms in England granting armorial bearings to Australians is well established as one way Australians can obtain heraldic insignia if they wish to do so. There is nothing preventing any person or organisation from commissioning a local artist, graphics studio or heraldry specialist to design and produce a coat of arms or identifying symbol. Those arms would have the same standing and authority in Australia as arms prepared by the College of Arms in England.²⁴¹

²³⁸ The Australian Heraldry Society, *Submission 57*, p. 15.

²³⁹ The Australian Heraldry Society, *Submission 57*, p. 15.

²⁴⁰ M Bray, *Submission 55*, p. [2].

²⁴¹ House of Representatives, Questions in Writing, College of Arms (Question no. 806), 7 February 2018, https://www.aph.gov.au/Parliamentary_Business/Hansard/Hansard_Display?bid=chamber/hansardr/8f7b4904-e5ab-452a-8736-6158744bd454/&sid=0301, viewed 12 August 2019. Several contributors referenced this statement: M Bray, *Submission 55*; the Australian Heraldry Society, *Submission 57*; D Header, *Submission 65*; and Mr Steven Squires,

SELF-ADOPTION THROUGH AUSTRALIA'S ROYAL PREROGATIVE

- 7.19 Several contributors agreed that any coat of arms for the Territory, or an up-dating of the City of Canberra Coat of Arms, should be adopted via a grant directly from the Queen of Australia via the Governor-General.
- 7.20 The Australian Heraldry Society suggested that any adoption of a Territory coat of arms or the updating of the City of Canberra Coat of Arms:
- ...should be effected by an exercise of the Australian Prerogative by the Governor-General as representative of the Queen of Australia acting on the representation of the ACT Executive expressed through advice to the Crown by the relevant Federal Minister (or from the Chief Minister direct to the Governor-General, it that is an appropriate course of action).²⁴²
- 7.21 In relation to this, the Society also noted the following:
- This is the preferred method as it leaves the heraldry of the ACT subject to the Australian Prerogative of honour in relation to heraldry where it has historically rested since the inception of heraldry.
- Direct exercise of the Royal Prerogative in the manner suggested should be limited to arms of sovereignty and dominion and would not be appropriate for the grant of personal arms or the like.²⁴³
- 7.22 Other witnesses appeared to endorse the validity of this idea. Appearing before the Committee, Joseph Johnson suggested the following:
- There are two channels you can follow. One is to go through the College of Heralds, who still claim to have jurisdiction over Australia... The other is to go through the Governor-General to the Queen, in her capacity as Queen of Australia, whereas if it goes to the College of Heralds she has dubious capacity. It is that old problem of the divisibility of the Crown. She is Queen of the United Kingdom and Queen of Australia.²⁴⁴
- 7.23 Geoffrey Kingman-Sugar similarly stated that '[w]e would like to see a repatriation of the royal prerogative granting the authority to the Governor-General to give arms of grants'.²⁴⁵

Transcript of Evidence, 21 May 2019, p. 42. The ACT Government also paraphrased this statement. See: ACT Government, *Submission 52*.

²⁴² The Australian Heraldry Society, *Submission 57*, p. 15.

²⁴³ The Australian Heraldry Society, *Submission 57*, p. 13.

²⁴⁴ Dr Joseph Johnson, Heraldry Special Interest Group, the Heraldry and Genealogy Society of Canberra, *Transcript of Evidence*, 21 May 2019, p. 29.

²⁴⁵ Mr Geoffrey Kingman-Sugar, Heraldry Special Interest Group, the Heraldry and Genealogy Society of Canberra, *Transcript of Evidence*, 21 May 2019, p. 29.

- 7.24 These latter witnesses, appearing on behalf of the Heraldry and Genealogy Society of Canberra, seemed to imply that for this option to be pursued, an 'Australian heraldry authority' would first have to be established to facilitate this under the authority of the Governor-General.²⁴⁶

SELF-ADOPTION THROUGH THE ACT LEGISLATIVE ASSEMBLY

- 7.25 Other contributors suggested that the best method through which to adopt a Territory coat of arms is through the ACT Legislative Assembly enacting relevant legislation or passing a resolution.

- 7.26 Terry Fewtrell and David Headon submitted that since the passing of the *Australia Act 1986* (Cth), the 'matter of the formal authorisation of any ACT Coat of Arms is...unclear in technical terms', suggesting that:

...there would be scope for the ACT to 'assume' its own arms without reference to any other Heraldic Authority. Accordingly, the ACT Legislative Assembly could simply adopt an agreed design for an ACT Coat of Arms by passing a resolution by simple majority of the Assembly.²⁴⁷

- 7.27 David Hearder suggested that the ACT Government has the necessary power to design, adopt and protect an ACT coat of arms. He submitted:

The ACT Government already has the necessary power, through the ACT Legislative Assembly and the ACT Judicial system to protect the official emblems and insignia of the ACT in use today, or in the future.²⁴⁸

- 7.28 Steven Squires similarly stated that 'I would argue that it would be most appropriate for the ACT government to do this as a motion of the ACT Assembly, not going to the London College of Arms or doing a royal grant'.²⁴⁹

- 7.29 On the option to adopt an ACT coat of arms via a legislative mechanism, the Australian Heraldry Society submitted the following:

This method would remove the ACT Arms forever from the exercise of the Prerogative and legislation would thereafter be the only method by which the ACT Arms could be altered.

...

²⁴⁶ *Transcript of Evidence*, 21 May 2019, pp. 29-30.

²⁴⁷ T Fewtrell and D Headon, *Submission 48*, pp. 5-6.

²⁴⁸ D Hearder, *Submission 65*, p. 16. Also see: Mr David Hearder, *Transcript of Evidence*, 21 May 2019, p. 45

²⁴⁹ Mr Steven Squires, *Transcript of Evidence*, 21 May 2019, p. 42.

If new ACT arms were adopted by legislation, the result would be that the 1928 Arms (which are, in our view, the arms of the ACT) would be governed by the Australian Prerogative and ACT legislation while the new ACT arms would be governed by ACT legislation. We do not think that this is a desirable outcome and, if legislation is to be used, we suggest that it should regulate both the 1928 Arms and the new ACT arms.²⁵⁰

- 7.30 Many Australian jurisdictions, including the ACT, have passed legislation to prevent unauthorised use of their respective State or Territory coats of arms.
- 7.31 For example, the *City of Canberra Arms Act 1932* (ACT) is '[a]n Act for the protection of the arms of the City of Canberra'. It prohibits a person from using the arms, 'without the authority of the Minister' and proof thereof, in relation to 'any trade, business, calling or profession'.²⁵¹
- 7.32 David Hearder noted that this Act exists to protect the use of the arms and suggested that '[a]s such it is the choice of the ACT Legislative Assembly and its elected representatives to improve this regulation, particularly if a decision is made to create and adopt new insignia for the Territory'.²⁵²
- 7.33 In New South Wales, the *State Arms, Symbols and Emblems Act 2004 No 1* (NSW) states that:
- A person must not print, issue or use the State arms or a State symbol in connection with any trade, business, calling or profession, or the collection of debts, without the authority of the Governor or Attorney General proof of which lies on the person.²⁵³
- 7.34 In South Australia, no one can print, publish or manufacture the South Australia coat of arms without permission, and they cannot be used for commercial purposes, under the *Unauthorised Documents Act 1916* (SA).²⁵⁴
- 7.35 Some contributors asserted that the legislated protections ascribed to coats of arms in Australia means that deference to traditional heraldic authorities is no longer warranted.

COMMITTEE COMMENT

- 7.36 The Committee notes that the evidence it received suggests that, due to the lack of precedent in an Australian jurisdiction adopting a coat of arms under the prevailing legislative and regulatory landscape, there exists complexity in determining an appropriate process through which to adopt an ACT coat of arms.

²⁵⁰ The Australian Heraldry Society, *Submission 57*, p. 14.

²⁵¹ *City of Canberra Arms Act 1932* (ACT), s. 4.

²⁵² D Hearder, *Submission 65*, p. 17.

²⁵³ *State Arms, Symbols and Emblems Act 2004 No.1* (NSW), s. 6.

²⁵⁴ *Unauthorised Documents Act 1916* (SA), ss. 3-4.

8 THE ACT FLAG AND OTHER INSIGNIA

ACT FLAG

- 8.1 A modified version of the City of Canberra Coat of Arms—without its compartment, motto, or crest—appears on the Australian Capital Territory Flag (Figure 23). This flag was adopted as the official flag of the ACT on 25 March 1993 by resolution of the ACT Legislative Assembly and gazetted on 31 March 1993.²⁵⁵

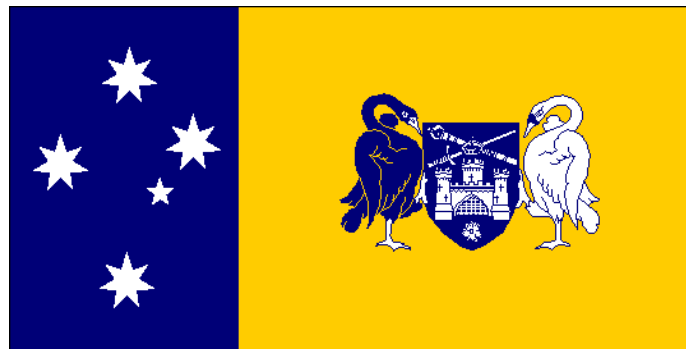


Figure 23: The ACT Flag²⁵⁶

- 8.2 The ACT Flag was adopted through a competition and community consultation process conducted between 1988 and 1993. Following competitions held in 1988 and 1992, four flag designs incorporating common elements suggested by competition entrants were presented to the ACT community for its consideration in February/March 1993. The design which received the widest support was adopted as the ACT Flag.²⁵⁷
- 8.3 The Committee heard evidence that due to the depiction of a modified version of the City of Canberra Coat of Arms on the ACT Flag, the adoption of an ACT coat of arms or the modification of the City of Canberra Coat of Arms would necessitate a reconsideration of the current ACT Flag's design.²⁵⁸ In contrast, other contributors suggested that the current flag

²⁵⁵ *Minutes of Proceedings*, No. 55, 25 March 1993, p. 7, https://www.parliament.act.gov.au/_data/assets/pdf_file/0008/750266/93MoP55.pdf#1, viewed 13 August 2019; Australian Capital Territory Gazette, No. 13, 31 March 1993, p. 272, <https://www.legislation.act.gov.au/View/gaz/1993-13/19930331-32913/PDF/1993-13.PDF>, viewed 13 August 2019.

²⁵⁶ Ausflag, 'Australian Capital Territory', https://www.ausflag.com.au/australian_capital_territory.asp, viewed 25 July 2019.

²⁵⁷ ACT Government, 'Guidelines for flying the ACT Flag', 21 March 2018, https://www.cmtedd.act.gov.au/_data/assets/pdf_file/0020/114815/Flag-Guidelines-2018.pdf, viewed 14 August 2019; and ACT Government, *Submission 52*, p. [5].

²⁵⁸ L Craigie, *Submission 1*; L Thomas, *Submission 35*; N Burt, *Submission 41*; S Squires, *Submission 42*; G Kingman-Sugar, *Submission 44*; JV Johnson, *Submission 45*; I Ostyn, *Submission 47*; T Fewtrell and D Headon, *Submission 48*; the Heraldry and Genealogy Society of Canberra, *Submission 51*; ACT Government, *Submission 52*; J Matthews, *Submission 53*; and Mr David Headon, *Transcript of Evidence*, 21 May 2019, pp. 41, 46, 49.

should only be altered so that the complete City of Canberra Coat of Arms be depicted accurately.²⁵⁹

- 8.4 The ACT Government recognised that a review of the ACT Flag would be needed if a Territory coat of arms was adopted, submitting:

The introduction of a Coat of Arms for the ACT would necessitate a review and likely change to the ACT Flag, as the existing flag uses the modified Coat of Arms for the City of Canberra. The ACT flag can be changed through the existing Legislative framework of the Assembly.²⁶⁰

- 8.5 Steven Squires likewise submitted that: '[a]s adopting an ACT Coat of Arms will require a modification to the ACT Flag, this present an opportunity to turn the ACT Flag into a well-loved and widely used symbol'.²⁶¹

- 8.6 Terry Fewtrell and David Headon similarly informed the Committee that:

The adoption of an ACT Coat of Arms, links logically to the revision of the design of the ACT flag. To make one change and not the other would make little sense'.²⁶²

- 8.7 Some contributors pointed to the ambivalence of portraying the City of Canberra Coat of Arms on the ACT Flag, a flag designed to represent the entire Territory, not only Canberra.²⁶³ Others pointed to this fact to support their argument that the City of Canberra Coat of Arms is the *de facto* coat of arms for the Territory.²⁶⁴

- 8.8 The ACT Government submitted the following:

A redesign of the ACT flag presents the opportunity to look at how we present the symbols of the ACT on the flag. This is another opportunity for the community to contribute and provide their preference for what symbols best represent the ACT²⁶⁵

THE MODIFIED CITY OF CANBERRA COAT OF ARMS

- 8.9 A number of contributors took issue with the depiction of a modified version of the City of Canberra Coat of Arms on the ACT Flag, suggesting that this is both poor heraldic and vexillological design practice.

²⁵⁹ B Whyte, *Submission 46*; and Mr Matthew Sait, Branch Chairman, ACT and District Branch, Australian Monarchist League, *Transcript of Evidence*, 21 May 2019, p. 13.

²⁶⁰ ACT Government, *Submission 52*, p. [5].

²⁶¹ S Squires, *Submission 42*, p. 5.

²⁶² T Fewtrell and D Headon, *Submission 48*, p. 6.

²⁶³ Mr Tony Burton, Vice-President, Flags Australia, *Transcript of Evidence*, 21 May 2019, p. 2; and Mr Ivo Ostyn, *Transcript of Evidence*, 21 May 2019, p. 19.

²⁶⁴ M Austin, *Submission 50*, p. [1].

²⁶⁵ ACT Government, *Submission 52*, p. [5].

8.10 Geoffrey Kingman-Sugar informed the Committee that '[t]he current improper use of a partial Canberra City coat of arms to represent the Territory is improper use of heraldic emblems'.²⁶⁶ Similarly, Joseph Johnson called for the ACT Flag to be revised as 'the present one is very "busy" and is heraldically incorrect as it omits the crest'.²⁶⁷ Tony Burton, meanwhile, told the Committee that a 'coat of arms should not be on the flag at all, to start with'.²⁶⁸

8.11 Adopting the same line of criticism, the Heraldry and Genealogy Society of Canberra made the following statement in relation to the inclusion of a modified version of the City of Canberra Coat of Arms on the ACT Flag:

The flag should not include a partial achievement of the Coat of Arms (i.e. the shield from the arms together with only some of the other elements such as the crest, supporters, compartment, motto). Note that the current ACT flag breaks this rule, as well as other vexillological principles.²⁶⁹

8.12 The Committee heard from the ACT Flag's designer, Ivo Ostyn, that he was commissioned by the ACT Government to 'design five flags, using the modified coat of arms'. He continued:

I was very much against using the modified coat of arms. I know from a heraldry point of view that it is a total disaster. I think it was driven by the then Chief Minister, Trevor Kaine. He wanted to use a flag with a coat of arms on it. But I think that was a big mistake. It was part of the brief.²⁷⁰

8.13 Mr Ostyn added that the ACT Flag depicting a modified version of the City of Canberra Coat of Arms 'was born within the Chief Minister's department in a desperate attempt to simplify it for flag form'. Mr Ostyn suggested that other than the modified coat of arms—which 'does not address any heraldry reasons and it is an abomination'—the design elements of the current flag are appropriate.²⁷¹

8.14 This sentiment was also expressed by Steven Squires, who submitted:

The ACT Flag already has most of the elements of a great flag in place. It uses the ACT colours blue and gold. It has the Southern Cross, a great symbol recognising the ACT as a part of the common Australian identity. However, the design has one mistake, which mars a potentially great symbol: The overly complex modified Canberra Coat of Arms.²⁷²

²⁶⁶ G Kingman-Sugar, *Submission 44*, p. [2].

²⁶⁷ JV Johnson, *Submission 45*, p. [1].

²⁶⁸ Mr Tony Burton, Vice-President, Flags Australia, *Transcript of Evidence*, 21 May 2019, p. 1.

²⁶⁹ The Heraldry and Genealogy Society of Canberra, *Submission 51*, p. 7. Emphasis in original.

²⁷⁰ Mr Ivo Ostyn, *Transcript of Evidence*, 21 May 2019, p. 18.

²⁷¹ Mr Ivo Ostyn, *Transcript of Evidence*, 21 May 2019, pp. 18, 19.

²⁷² S Squires, *Submission 42*, p. 5.

RELATIONSHIP BETWEEN A COAT OF ARMS AND A FLAG

8.15 The Committee heard contrasting evidence on whether any new Territory coat of arms should be depicted on a revised ACT Flag, and, if so, how it should be depicted.

8.16 Tony Burton informed the Committee that it is ‘unusual’ for flags to depict coats of arms and noted that ‘[v]ery few flags have got the coat of arms’. He gave the examples, however, of Montenegro and Serbia as countries that do this. He noted that coats of arms are not well-suited to flags due to their complexity.²⁷³

8.17 This latter point was echoed by Jeremy Matthews, who submitted the following:

The complexity inherent in a coat of arms means they are poorly suited for use on a flag. Traditionally a coat of arms is used on a stationary banner because banners don’t flap, are seen from one side, and usually seen close up or printed on paper.²⁷⁴

8.18 Some submitters suggested that a new ACT coat of arms should be depicted on the ACT Flag. Lisa Thomas suggested effort should be taken to ensure ‘the new coat of arms emblem will look good when it stands alone and when it sits on the ACT flag in place of the current coat of arms’.²⁷⁵ While Nicolle Burt submitted:

Of course, any new Coat of Arms will change the design elements of the ACT Flag. So any new design needs to account for its use as a fixed, static image that flies in the wind around London Circuit and on City Hill.²⁷⁶

8.19 The Heraldry and Genealogy Society of Canberra similarly suggested that ‘the ACT Government consider a flag design that mirrors the proposed arms for the ACT’.²⁷⁷

8.20 Others felt that a Territory coat of arms need not be incorporated into a new ACT flag design. Reflecting this position, Jeremy Matthews submitted the following:

...I respectfully suggest that the ACT Coat of Arms not be incorporated into the ACT Flag, and both designs be treated as two separate initiatives. Both the coat of arms and the flag could include the same symbolism and colours, though the designs should be tailored to their intended use and function.²⁷⁸

8.21 In its submission to the Inquiry, the Heraldry and Genealogy Society of Canberra considered how coats of arms, or elements of coats of arms, could be appropriately depicted on flags. In addition to noting that flags should not include a partial depiction of a coat of arms, as in the

²⁷³ Mr Tony Burton, Vice-President, Flags Australia, *Transcript of Evidence*, 21 May 2019, p. 3.

²⁷⁴ J Matthews, *Submission 53*, p. 2.

²⁷⁵ L Thomas, *Submission 35*.

²⁷⁶ N Burt, *Submission 41*.

²⁷⁷ The Heraldry and Genealogy Society of Canberra, *Submission 51*, Appendix 2, p. 11.

²⁷⁸ J Matthews, *Submission 53*, p. 2.

modified City of Canberra Coat of Arms on the current ACT Flag, the Society provided the following advice:

Clear visual links between a flag and the associated coat of arms ensures consistent visual messaging and identification. Vexillological best practice in designing a flag associated with a coat of arms conforms with the following principles:

- a. A flag can display the image of the shield in a rectangular form; or
- b. the design could include appropriate symbols from the Coat of Arms.²⁷⁹

8.22 The Society's submission included examples of 'coats of arms and flags exemplifying heraldically and vexillologically appropriate flag design options'. These examples are included below (Figure 24).

		The shield from a coat of arms displayed as a flag <i>The Province of British Columbia, Canada</i>
		The Charge from the arms is modified on the flag, which uses the principal colours of the arms (red, white) <i>The Republic of Singapore</i>
		Charges from the arms are included in the flag, which uses the colours from the arms (yellow, blue, red, white) <i>The Territory of Nunavut, Canada</i>
		The colours of the flag are those in the arms (black, white, ochre); Sturt's Desert Rose appears in both arms and flag <i>The Northern Territory, Australia</i>

Figure 24: Relationship between coats of arms and flags²⁸⁰

²⁷⁹ The Heraldry and Genealogy Society of Canberra, *Submission 51*, p. 7.

²⁸⁰ The Heraldry and Genealogy Society of Canberra, *Submission 51*, p. 8.

- 8.23 Flags Australia appeared to endorse the above advice from the Heraldry and Genealogy Society of Canberra when it submitted that:

If the ACT flag were to be based on any Coat of Arms, it does not have to be a literal transposition. Flags can be based on Arms using just the colours of the Arms...²⁸¹

DESIGN PRINCIPLES, CONCEPTS AND SUGGESTIONS

- 8.24 The Committee received a range of advice and suggestions on what should be taken into consideration for the design of a new ACT flag. Much of this advice was similar to that received in relation to the design of an ACT coat of arms.

- 8.25 The Heraldry and Genealogy Society of Canberra, for instance, made the following suggestions on the design principles for flags:

Simplicity – a flag should be instantly recognizable and memorable, which requires that it should be sufficiently simple that a child can draw it from memory; the number of colours should be limited, ideally two or three; and lettering of any kind should never be included on a flag.

Relevance – images, colours and/or patterns on a flag should be meaningful in terms of what the flag symbolises.

Distinctiveness and Connection – a flag should distinctively identify the entity it symbolises and should not duplicate other flags; however, one or more similar elements between flag designs can be used to show connections between entities.²⁸²

- 8.26 Other contributors echoed this emphasis on simplicity for flag designs. Ivo Ostyn, for instance, told the Committee that a ‘flag is something that has to be very simple. Flags are viewed from a distance, so it has to hit you straightaway. You must know immediately what it is’.²⁸³ Tony Burton, likewise, argued that ‘you do not want complication; you want simplicity on the flag because the flag is a signal... The more clutter on what you want to be a signal, the more it is not doing its job’.²⁸⁴ Similarly, Jeremy Matthews submitted that ‘[t]he simpler the flag, the more effective it is’.²⁸⁵

- 8.27 In a similar fashion, Flags Australia submitted:

Flags are mobiles. Less is more. Avoid clutter. Complex designs are distorted when the flag flies outdoors. Flags are not static graphics. As mobiles, flags tend to lose anything

²⁸¹ Flags Australia, *Submission 60*, p. 3.

²⁸² The Heraldry and Genealogy Society of Canberra, *Submission 51*, p. 7. Emphasis in original.

²⁸³ Mr Ivo Ostyn, *Transcript of Evidence*, 21 May 2019, p. 19.

²⁸⁴ Mr Tony Burton, Vice-President, Flags Australia, *Transcript of Evidence*, 21 May 2019, p. 3.

²⁸⁵ J Matthews, *Submission 53*, p. 2. Also see: L Thomas, *Submission 35*; N Burt, *Submission 41*; and ACT Government, *Submission 52*.

appearing in the free end, as the flag wears in the wind. The focal point of flags lies in their centre or closer to the hoist.²⁸⁶

8.28 Contributors also made suggestions on what design elements could conceivably be included in a re-designed ACT flag. As with suggestions for design elements for the Territory coat of arms, the Royall Bluebell featured most prominently in the suggestions of contributors.²⁸⁷

8.29 On the significance of the Royall Bluebell, Jeremy Matthews informed the Committee:

The Royal Bluebell (*Wahlenbergia gloriosa*) is the floral emblem of the Australian Capital Territory. The traditional owners of the ACT area the Ngambri-Ngunnawal peoples used the petals of the bluebell as food, and they are reported to make a delightful addition to a mixed salad. A floral emblem also reflects that Canberra is classified as a garden city.²⁸⁸

8.30 Considering the possible inclusion of a Royall Bluebell on a new ACT flag design, Tony Burton provided the Committee with the following words of caution:

Flags move and when the flag moves, the flower is just a lump. You cannot see what it is. There are exceptions. The highly stylized bauhinia flag of Hong Kong does work. In my submission I gave an example of the federal flag in Belgium, in Brussels. That looks like something from a doctor's dissecting table. That is supposed to be an iris. That is my point.²⁸⁹

8.31 Flags Australia included an image of the 'Brussels Capital Region', as referenced by Mr Burton at the public hearing, as an example of a poor depiction of a flower on a flag. This is included below (Figure 25).



Figure 25: Flag of the Brussels Capital Region²⁹⁰

²⁸⁶ Flags Australia, *Submission 60*, p. 3.

²⁸⁷ L Craigie, *Submission 1*; L Grigg, *Submission 12*; S Squires, *Submission 42*; G Kingman-Sugar, *Submission 44*; I Ostyn, *Submission 47*; J Matthews, *Submission 53* and Flags Australia, *Submission 60*.

²⁸⁸ J Matthews, *Submission 53*, p. 3.

²⁸⁹ Tony Burton, Vice-President, Flags Australia, *Transcript of Evidence*, 21 May 2019, p. 5.

²⁹⁰ Flags Australia, *Submission 60*, p. 2.

- 8.32 It should be noted that Mr Burton expressed approval at the idea of including a stylised version of the Royall Bluebell on a new design for the ACT flag.²⁹¹
- 8.33 Three submitters provided the Committee with suggested designs for the ACT flag. These suggestions are present below (Figures 26-30).
- 8.34 Of these suggested designs, several contributors expressed support for the suggestion from Ivo Ostyn.²⁹²



Figure 26: Proposed flag by Lyn Grigg²⁹³

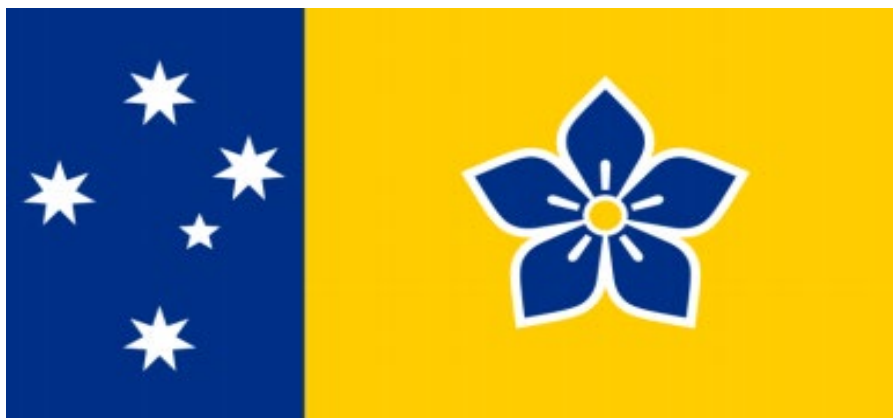


Figure 27: Proposed flag by Ivo Ostyn²⁹⁴

²⁹¹ Tony Burton, Vice-President, Flags Australia, *Transcript of Evidence*, 21 May 2019, p. 5.

²⁹² L Craigie, *Submission 1*; S Squires, *Submission 42*, Mr Steven Squires, *Transcript of Evidence*, 21 May 2019, pp. 42, 48; and Mr David Headon, *Transcript of Evidence*, 21 May 2019, p. 49.

²⁹³ L Grigg, *Submission 12*.

²⁹⁴ I Ostyn, *Submission 47*, p. [5].

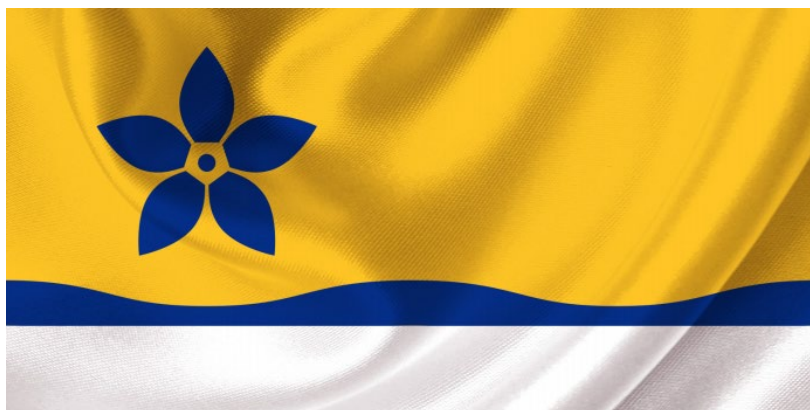


Figure 28: Proposed flag by Jeremy Matthews²⁹⁵



Figure 29: Proposed flag by Jeremy Matthews²⁹⁶

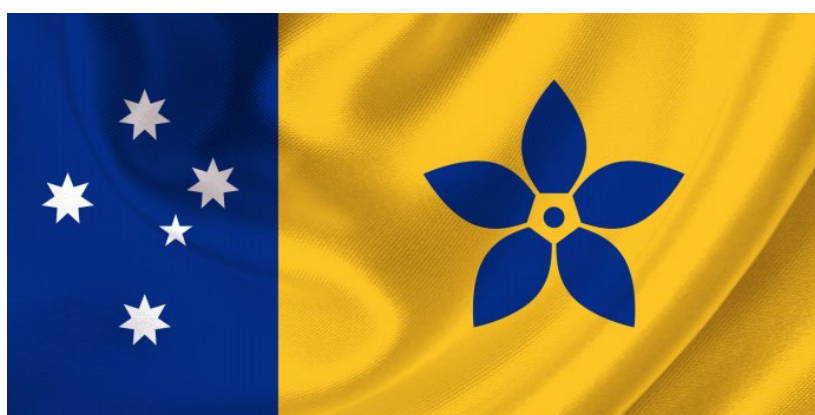


Figure 30: Proposed flag by Jeremy Matthews²⁹⁷

²⁹⁵ J Matthews, *Submission 53*, p. 3.

²⁹⁶ J Matthews, *Submission 53*, p. 4.

²⁹⁷ J Matthews, *Submission 53*, p. 5.

A SYMBOLS PACKAGE FOR THE ACT

- 8.35 Several contributors took the opportunity of the Inquiry to provide suggestions on how the Territory is symbolised generally. These contributors suggested that there should be a greater degree of unity in the symbols employed by the ACT Government to represent the Territory and various arms of the government.
- 8.36 Speaking to the point about the need for greater unity of the symbols for the Territory, Ivo Ostyn pointed to the example of the Northern Territory, 'which have their symbol package done to perfection' (Figure 31). He noted that:

All of the symbols are relevant. The NT CoA also includes the flora, fauna and mammal symbols as part of its makeup. The NT flag uses the floral emblem and the NT Government logo also uses the floral emblem. It is an integrated set of symbols which is graphically appealing and technically correct, a better example of correct symbols application is hard to find. As a template for what we should do in the ACT, it is second to none!²⁹⁸

²⁹⁸ | Ostyn, *Submission 47*, p. [3].

Northern Territory Symbols



Figure 31: Northern Territory symbols²⁹⁹

8.37 Steven Squires' submission to the Inquiry included a consideration of how the symbols of ACT Government agencies could be up-dated in-line with the adoption of an ACT coat of arms and a new ACT flag. He submitted:

The emblems of some ACT agencies have the Canberra City Arms, which would also require change during this process. While the City Arms could simply be replaced by a

²⁹⁹ | Ostyn, *Submission 47*, p. [3].

new Territory Arms, this is an opportunity to modify and refine these symbols into logos more fit for purpose to modern design.³⁰⁰

8.38 Mr Squires submission also included suggestions on how these agency symbols could possibly be changed in a wide-ranging up-dating of the Territory's symbols package. His suggestion is presented below (Figure 32).



Figure 32: Agency symbols suggested by Steven Squires

³⁰⁰ S Squires, *Submission 42*, p. 6.

COMMITTEE COMMENT

- 8.39 The Committee heard evidence from a wide range of contributors, from those both supportive and opposed to the adoption of a Territory coat of arms, that the current ACT Flag is problematic on heraldic and vexillological grounds. Contributors expressed concern with the flag's depiction of the City of Canberra Coat of Arms in a 'modified' form.
- 8.40 Given the wide-spread displeasure with the ACT Flag in its current form, the Committee believes that the ACT Government should update the design of the ACT Flag in consultation with the community. The Committee notes that any process undertaken to implement a new Coat of Arms and Flag would be complimented by developing a guideline for the appropriate use of the full range of the ACT's Official Symbols.

Recommendation 4

- 8.41 The Committee recommends that in consultation with the community the ACT Government redesign the ACT Flag.**

Recommendation 5

- 8.42 The Committee recommends the ACT Government develop a guideline on the appropriate use of the ACT's Official Symbols and make this publicly available.**

9 CONCLUSION

- 9.1 In conducting this Inquiry, the Committee has heard about the importance of jurisdictional symbols in expressing the beliefs, values and the collective identity of the members of the community they serve to represent. A coat of arms is one such symbol. The Committee heard passionate arguments from those both supportive and opposed to the adoption of a new Territory coat of arms and the Committee thanks these people for their invaluable contribution to the Inquiry. The Committee recognises that both sides of this debate presented strong arguments in support of their respective positions. It also notes, however, that an overwhelming majority of contributors supported the adoption of a new Territory coat of arms. These contributors also provided numerous ideas on what should be considered for inclusion in any new Territory coat of arms.
- 9.2 At the same time, the Committee is cognizant that important procedural questions remain to be answered. Chief among these are: 1) the legal standing of the City of Canberra Coat of Arms; its corporate ownership and the legitimate scope of its use in representing the Territory, and 2) the most appropriate process through which a new Territory coat of arms could be adopted or through which the City of Canberra Coat of Arms could be revised. The Committee believes that the ACT Government should clarify these questions before proceeding with further actions.
- 9.3 The proposition of adopting an ACT coat of arms has also brought to the fore in the minds of many of the contributors the issue of the symbology of the ACT Flag. The Committee heard from those both opposed and supportive of a new Territory coat of arms that the current depiction of a 'modified' version of the City of Canberra Coat of Arms on the current ACT Flag is problematic. While some contributors suggested that the flag be amended to show the full arms of the city, a majority of contributors suggested that the city coat of arms be entirely removed from the flag and replaced with more appropriate imagery. The Committee agrees that the ACT Government should review and revise the current ACT Flag in consultation with the ACT community.
- 9.4 Based on the evidence the Committee received, the Committee makes five recommendations.

Ms Suzanne Orr MLA

Chair

19 August 2019

APPENDIX A - WITNESSES

21 MAY 2019

- Mr Tony Burton, Vice-President, Flags Australia
- Mr Matthew Sait, Branch Chairman, ACT and District Branch, Australian Monarchist League
- Mr Ivo Ostyn
- Mr Richard Reddan, President, the Heraldry and Genealogy Society of Canberra
- Dr Joseph Johnson, Heraldry Special Interest Group, the Heraldry and Genealogy Society of Canberra
- Mr Geoffrey Kingman-Sugar, Heraldry Special Interest Group, the Heraldry and Genealogy Society of Canberra
- Prof Janette Lindesay, Heraldry Special Interest Group, the Heraldry and Genealogy Society of Canberra
- Mr Christopher Lindesay, Heraldry Special Interest Group, the Heraldry and Genealogy Society of Canberra
- Mr Richard d'Apice AM, President, the Australian Heraldry Society
- Mr David Hearder
- Mr Steven Squires
- Dr David Headon

APPENDIX B – SUBMISSIONS

Submission Number	Submitter	Authorised for Publication
1	Liam Craigie	27-Mar-19
2	Michael Cooney	27-Mar-19
3	Wayne Ryan	27-Mar-19
4	Gina Hsu	27-Mar-19
5	Kristine Klugman	27-Mar-19
6	Meg Bollen	27-Mar-19
7	David Bibo	27-Mar-19
8	John Trotter	27-Mar-19
9	Darren Randall	27-Mar-19
10	Elizabeth Counsel	27-Mar-19
11	Sergio Sergi	27-Mar-19
12	Lynn Grigg	27-Mar-19
13	Stephen Mills	27-Mar-19
14	John Mahon	27-Mar-19
15	Gerard De Ruyter	27-Mar-19
16	Bernie Murphy	27-Mar-19
17	Gino Passerini	27-Mar-19
18	Brendan Long	27-Mar-19
19	Stuart Galbory	27-Mar-19
20	Sally Koodiaroff	27-Mar-19
21	Codi Thomson	27-Mar-19

Submission Number	Submitter	Authorised for Publication
22	Dean Turner	27-Mar-19
23	Susanne Scott	27-Mar-19
24	Rosemary Murdock	27-Mar-19
25	Seamus Forde	27-Mar-19
26	Evan Dently	27-Mar-19
27	Albert White	27-Mar-19
28	Monica Sander	27-Mar-19
29	Pouros Bharucha	27-Mar-19
30	Jan Skorich	27-Mar-19
31	Gai Waterlow	27-Mar-19
32	Lauren Hutchison	02-Apr-19
33	Robin Bartrum	02-Apr-19
34	Hareesha Rangarajan	02-Apr-19
35	Lisa Thomas	02-Apr-19
36	Robyn Holder	02-Apr-19
37	Adam Kirk	02-Apr-19
38	Reuben Ingall	02-Apr-19
39	Andrew Marich	02-Apr-19
40	Vivienne Beddoe	02-Apr-19
41	Nicolle Burt	02-Apr-19
42	Steven Squires	1 May 2019
43	Michael King	1 May 2019

Submission Number	Submitter	Authorised for Publication
44	Geoffrey Kingman-Sugar	1 May 2019
45	Joseph V Johnson	1 May 2019
46	Brendan Whyte	1 May 2019
47	Ivo Ostyn	1 May 2019
48	Terry Fewtrell and David Headon	1 May 2019
49	Brenda Coles	1 May 2019
50	Maurice Austin	1 May 2019
51	The Heraldry and Genealogy Society of Canberra	1 May 2019
52	ACT Government	1 May 2019
53	Jeremy Matthews	1 May 2019
54	Australian Monarchist League	1 May 2019
55	Matthew Bray	1 May 2019
56	Rob Calvert	1 May 2019
57	The Heraldry Society of Australia	1 May 2019
58	Bradley Saines	1 May 2019
59	Aaron McDonnell	1 May 2019
60	Flags Australia	1 May 2019
61	Stephen Boyle	1 May 2019
62	ACT Courts and Tribunal	1 May 2019
63	Women for an Australian Republic	1 May 2019
64	Douglas Hassall	1 May 2019
65	David Harder	1 May 2019

Submission Number	Submitter	Authorised for Publication
66	Christopher Ryan	1 May 2019
67	Frank Boyle	1 May 2019
68	ACT Law Society	29 May 2019