



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

**STANDING COMMITTEE ON ENVIRONMENT AND TRANSPORT
AND CITY SERVICES**

(Reference: [Inquiry into a territory coat of arms](#))

Members:

MS S ORR (Chair)
MISS C BURCH (Deputy Chair)
MR J MILLIGAN

PROOF TRANSCRIPT OF EVIDENCE

CANBERRA

TUESDAY, 21 MAY 2019

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Secretary to the committee:
Ms A Jongsma (Ph: 620 51253)

By authority of the Legislative Assembly for the Australian Capital Territory

Submissions, answers to questions on notice and other documents, including requests for clarification of the transcript of evidence, relevant to this inquiry that have been authorised for publication by the committee may be obtained from the Legislative Assembly website.

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Amended 20 May 2013

The committee met at 1.01 pm.

BURTON, MR TONY, Vice-President, Flags Australia

THE CHAIR: I declare open this public hearing of the Standing Committee on Environment and Transport and City Services inquiry into a territory coat of arms. The Legislative Assembly referred this inquiry to the committee on 29 November 2018. The inquiry has received 67 submissions, which are available on the committee website. Today the committee will hear from Flags Australia, the Australian Monarchist League, Ivo Austyn, the Heraldry and Genealogy Society of Canberra, the Australian Heraldry Society and a panel consisting of Steven Squires, David Hearder, and Dr David Headon. On behalf of the committee, I thank all the witnesses for making time to appear today.

Before we begin, on behalf of the committee I acknowledge the traditional custodians of the land we are meeting on and pay my respects to their elders past, present and future. We will move to the first witnesses appearing today, Flags Australia. On behalf of the committee, thank you for appearing today and for your written submission to the inquiry. Can I remind you of the protections and obligations afforded by parliamentary privilege and draw your attention to the pink-coloured privilege statement before you on the table. Can you please confirm for the record that you understand the privilege implications of the statement?

Mr Burton: Yes, I can.

THE CHAIR: I also remind you that proceedings are being recorded by Hansard for transcription purposes and are being webstreamed and broadcast live. Do you have a brief opening statement that you would like to make?

Mr Burton: I am the Vice-President of Flags Australia. I am a member also of the Heraldry Society of Australia and I am a member of the North American Vexillological Association, commonly known as NAVA. In that capacity I also have contact with flag associations around the world, and here in Australia we have been operative since 1983. I am very happy to speak on this issue.

THE CHAIR: And would you like to make your opening statement?

Mr Burton: Yes. From the point of view of flags, which is our interest, we look at the ACT flag, the flag of the Australian Capital Territory, and the first thing we note is that there is a coat of arms on it. A coat of arms should not be on the flag at all, to start with. There are several reasons for that. Coats of arms are usually complicated. They are very hard to discern from a distance on a flag. And bear in mind that the flag is the top symbol of the ACT at present, in our understanding.

Your inquiry is about simplifying or changing, possibly, the coat of arms of the Australian Capital Territory, as we understand it. One of the people who have been quoted in the press—a Mr Fewtrell, I think it was—seemed to be under the impression that the flag of the ACT ought to have a coat of arms. Where that idea comes from, I do not know, but we are challenging it—or we are questioning it, anyway. As to the

heraldry of it, I guess you will hear from Mr d'Apice later on the detail of that. One of the reasons why coats of arms are difficult on a flag is that coats of arms are endowed by authority. You just cannot change things around the way you wish. But our focus is on flags.

In my submission I gave some arguments for and against changing the coat of arms, arguments for and against simplifying it if you must have a coat of arms. On the second question, I made some suggestions as to what symbols might be appropriate for the ACT. I also raised the other issue of simplification in regard to flags. I referred to instances around the world and I mentioned Chicago, the Netherlands and so forth. I have five minutes. I think I have used five minutes.

THE CHAIR: I will jump straight in. You note in your submission that there are reasons for and against an ACT coat of arms, which is separate to the city of Canberra coat of arms, including:

The city of Canberra is not coterminous with the territory created for it.

Can you elaborate on what you mean by this statement?

Mr Burton: The coat of arms that appears on the flag of the Australian Capital Territory—and therefore implies a symbol for the entire capital territory, which goes all the way out to Orroral and to the Brindabella Ranges and so forth—originally was for Canberra as a city, as a place for a government. You could dichotomise. I see a dichotomy there between Canberra the city and the ACT as a wider entity, a kind of mouse that roared, if you want a European allusion, or seven suburbs in search of a city, as they have said sometimes.

I think Canberra has moved on from there, and that is what I mean by not being coterminous. You have got a territory, you have got a city and you have got a coat of arms that applied to the town, to the city of Canberra. but it has been put, ill-advisedly in my opinion, on the flag, which is a symbol for the whole shebang. You have got some difficulties of application there, it seems to us.

THE CHAIR: It is not just the differences in the physical borders between, say, a city and a territory; there are a lot of other reasons that you see in there for your opinion.

Mr Burton: Yes, mainly to do with design. I mentioned the practice in other cities around the world where there is a very simple symbol that seems to have caught on in those cities. I have mentioned Chicago as an example, and Amsterdam, in the Netherlands.

THE CHAIR: In your opinion, is it possible for the city of Canberra coat of arms and a territory coat of arms to coexist, for us to have both?

Mr Burton: I believe they could coexist. There are several issues here. The motivation behind this inquiry, it seems to me, is that even Canberra people see problems with the coat of arms. They have been described or criticised as obscure. There is a tree—I believe it is a gum tree—lurking behind the portcullis. You would not know what it was to look at it. Let us find out what the mystery is and simplify the

whole thing. It seems to me that that is what this is about.

What this submission says is that this may not be the best way to go. We can keep the old coat of arms because those arms have been endowed. They have been assigned by an authority in Britain. It may be difficult to change it. Keep the arms; keep it for special purposes, although I would say that not one of the Australian states and the other territory, the Northern Territory, have a coat of arms on their flag.

THE CHAIR: I was going to ask: are you aware of any flags that have a coat of arms on them?

Mr Burton: Yes, in a way. Not every country has a coat of arms, in our understanding. Some countries have what is called a national emblem, but a case where there is a bit of crossover here might be Montenegro. The diplomatic flag of Poland has a coat of arms but not the national flag of Poland. Are there any other countries? Other countries tend to have different flags for different purposes. The President of the United States has a presidential flag. The national flag is the well-known stars and stripes.

THE CHAIR: Is it fair to say that it is highly unusual or irregular for a coat of arms to be on a flag?

Mr Burton: It is unusual. Very few flags have got the coat of arms. Serbia has its coat of arms on its flag so that its flag will not be confused with that of Russia or Slovakia or Slovenia, which all have the same coloured stripes. But a coat of arms, as I said in the beginning, is very complicated.

Speaking of flags, you do not want complication; you want simplicity on the flag because the flag is a signal. It has to be seen. The more clutter on what you want to be a signal, the more it is not doing its job. A stop sign is plain red: stop, now. To go is green. In London and in Berlin they have little symbols. In Berlin they have a little man walking and a little man standing to attention when you are supposed to stop.

THE CHAIR: Back to the coat of arms, you further note in your submission:

The Arms of the city of Canberra are ... cluttered and redolent of foreign, albeit historical, symbolism, saying little for or about local symbolism.

In your opinion, should a coat of arms capture more of a moment in history or should it be something else? I am trying to get a better idea.

Mr Burton: I will put it this way. It seems to me that the motivation of this inquiry is coming from a perspective something like this: the ACT is a territory of Australia. There is another territory, the Northern Territory. It has a coat of arms. We should have a coat of arms as a quasi state or a state evolving, whatever. We should be on an equal plane with the other six and the Northern Territory. Why are we the odd ones out? Let us have a coat of arms for the whole territory, not just the city. Fine, but it is cluttered; it is hard to discern. It has been alleged that the symbols are arcane, they are medieval and they are foreign.

In my submission I made some very subliminal suggestions of how you might go about it, but they are just concepts of ideas. A coat of arms? Yes, if you must have an extra coat of arms, a separate coat of arms, go for it. Play around, but you will have to sort out the heraldry of it.

MISS C BURCH: On that, you just said “if you must have a separate coat of arms”. To go back to Ms Orr’s previous question on whether we should have two coats of arms that coexist, do you think that there is a need for us to have a second coat of arms or would you support instead a redesign of the flag without necessarily having a second coat of arms?

Mr Burton: You can look at Canberra and you can look at the ACT from different perspectives. The rest of Australia tends to see Canberra as a political playpen and we have to endure it as a nation. That is a gross oversimplification. The reality of the ACT is that actual people live here and if you want something that Canberra people can relate to then go for something simpler: maybe change the flag or adopt something else altogether like a dinkus—you do not want to be too cute about it—or a mascot. But the coat of arms at present is not suitable, in our view, to engage the liking of the average Joan and Joe, it seems.

MISS C BURCH: In your submission you use a couple of phrases such as “banality of badgery” and “failure of imagination”. How would you balance developing a modern coat of arms that engages with the people of Canberra whilst also acknowledging the territory’s history?

Mr Burton: Can I comment first on the banality of badgery?

MISS C BURCH: Yes.

Mr Burton: Australia’s flags have evolved from the practice of the British navy, the Royal Navy, and it was decided in 1867 in a review of the Royal Navy’s signal practices to insist that the governors of the colonies all have a British blue ensign with a badge. That is where badgery comes in. So many other flags that have followed since, including our own national flag, have a badge. You have got to have a badge. This is what I call “badgery”. A badge is for its own sake. Many former colonies of the British Empire have gone the other way; they have been far more inventive. I would like to think that Canberra and Australia could do the same and not be bound by this badgery business. There was a second half to your question?

MISS C BURCH: How do you think that you would balance those two things: having something suitable for engaging with the people of Canberra but also still acknowledging the history of the territory?

Mr Burton: You might have a campaign for the people, a kind of referendum. I know you had one in 1993 and many people were disappointed then. I am aware—and this is under privilege, as I understand it—that there is a current of disaffection from Ivo Ostyn and people who agree with him. They would like to see the Canberra bluebell, the ACT bluebell, as the symbol on the flag.

Can I mention in passing that flowers, vegetation and trees on flags just vegetate.

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. Bluebells, fine. Can I say in passing: the bluebell is fine. You can represent the bluebell simply by blue. Simple.

THE CHAIR: Picking up on Miss Burch's question then, because I was interested and I had a question or two, how, when designing a coat of arms, in your opinion, can we best balance past, present and future in the symbolism and do you think we have currently got the balance correct?

Mr Burton: "For the law, the monarch and the people" is integral to the coat of arms and "for the law, the monarch and the people" is the whole reason Canberra exists. I guess you would want to retain some of that aspect. From that point of view, if you want to emphasise that, there is no need to change the existing coat of arms at all. But do not put it on the flag. Not making any changes will not please the people who were upset by gum trees hidden behind portcullises and—I nearly said swans with collars and necklaces but, sorry, that is Perth.

THE CHAIR: Just on that, you have made some comment in your submission about the people, particularly referring to the people of Australia, not just the ACT. Given that we are now self-governing and we have had a more recent history where there is a higher level of independence and individuality as a territory, do you think that could be better reflected in the current coat of arms or in a coat of arms?

Mr Burton: No, because you have got a coat of arms for that purpose. It is just that it is a bad coat of arms. You have got what you need but it is poorly designed. Change it if you want. But change it properly.

MR MILLIGAN: You have already covered a lot of areas that I was going to address. However, you talk about simplifying the design or simplifying, possibly, the current coat of arms, but does that run the risk of losing the heraldry? How do we significantly document in a design our heritage, our history, where we come from? If we simplify it too much we lose that detail. "Less is more" is not necessarily the right approach for a coat of arms.

You suggest that the city coat of arms is already too heavily detailed, but if you have a look at every element within that design there is a synopsis, there is a representation of what that actually represents. There is a reason why it is there. If we want to start simplifying, we will have to start taking the elements out. How do you distinguish what elements are important and what we should keep?

Mr Burton: I referred just now to the bluebell. In a full achievement of a coat of arms like the traditional ones that I have sampled here you would perhaps have a sprinkle of bluebells on the compartment at the bottom. A little while ago I said the bluebell can be represented not necessarily by an insemination of the compartment but simply by the colour blue, whether that be in the flag or whether it be in an updated coat of arms.

The case in point here is when a new coat of arms was adopted for the Republic of South Africa they did simplify it; they also changed it altogether, but they kept references to the people, to the language, to all those parameters that go into a coat of arms. But what they came up with was something that was far more relevant, and it was simply drawn. Not to labour the point, but you did not have trees behind castle gates in the South African case. If you want a coat of arms that preserves all the reference points in the coat of arms, draw it again but make sure that each part in your coat of arms relates to what has to be preserved.

I said somewhere in here that I wondered whether this motivation was coming from a kind of republican push. I have made some comments here that the republic may happen one day but do not assume anything. And do not assume the continuation of a monarchy. I have also said in here that there are other forms of government, but that is getting into another area. But it is in here.

THE CHAIR: What symbols would you suggest in a modified or a different coat of arms?

Mr Burton: I have made a list of them, quite a lot here, in answer to question 2. At random: wattle; yellow; gold, golden dawn—that was a symbol of federation; rising sun; federal capital. The bluebell has got several mentions. There is some reference to the Ngunnawal people, the federal star, Burley Griffin's vision—Burley's triangle, the parliamentary triangle itself; a dusting of snow on the Brindabellas. There is white in there somewhere. And I did say the brush-tailed wallaby. This is evident in the drawing that you have seen. That animal has a particularly long tail and someone would have to be very clever in the stylising otherwise it is going to spread out to here. Those are some symbols. Engage the experts; see what they can do. They will do a good job, I am sure.

THE CHAIR: When you came up with those symbols what was your rationale behind it? It is quite different to a lot of the symbols we have in the current city of Canberra coat of arms.

Mr Burton: They are all local. They are related to Canberra. They are related to what we have. By the way, I lived and worked here for seven years. I am not quite a foreigner. I know where the bodies are buried—some of them.

MR MILLIGAN: Referring to the symbols that you have suggested there, you made a significant point that we should also recognise our monarchy, our history, our queen and so forth. That is not necessarily represented in the symbols here.

Mr Burton: Can I talk to that? Sometime ago, some years ago—they dropped it, in a sense—there was a proposal for a flag for Greater London. The City of London, for centuries, for a long time, had and still has its flag. That is the George Cross with the dagger. But Greater London did not have a flag. One was concocted, one was designed and the salient part referring to the monarchy was a very simple Plantagenet crown. In that instance a Plantagenet crown was probably justified because the monarchy is that old.

What I am saying there is: if you want a reference to the monarchy, yes. But does it

have to be from Saint Edward's crown? Does it have to be complicated? It can be a symbol representing monarchy of any kind. It is the concept of monarchy that counts. It is not necessarily a particular monarch, although I think that Richard will talk about how specific arms are actually granted.

THE CHAIR: How can you symbolise the courts? That is the other part that has been brought up quite a bit. There are the three arms of government. The courts and the legal fraternity get brought up quite a bit in the submissions. We had a request in the ACT courts' submission: please consider and have symbolism that speaks to the legal side. Do you think we currently have that?

Mr Burton: The High Court in Britain has adopted in the last 10 years or so its own emblem. It is symbols of the three nationalities—the thistle, the rose, the leek—inside an omega figure. The omega perhaps represents, “This is the end of the trail, mate. You have come to the highest court; no more appeal after this.” Within an omega it is the High Court. That is how they did that.

MR MILLIGAN: What relevance or significance do you put on the point that we need a coat of arms or a flag to engage with the community to actually represent our heritage and our heraldry? At the moment what is important to a community and what they engage on may not translate to our history and I would get worried that fashions change; trends change. We have got an interest in certain areas right now and we may think that it is significantly important that it should be on our coat of arms. But at what point does heraldry take over and become more of a significant requirement for any coat of arms than what is currently trending in society?

Mr Burton: I think the way to look at that might be to look at it from the perspective of Australian society first and the other heritage aspects as part of the glory of ourselves. But the people should be front up, and I am not sure that we have to have references to heritage or a heritage site on its own. What and whom does the heritage serve? If you were going to have a different emblem for the Australian Capital Territory, start with the people. The slogan “for the law, the king and the people” should be “for the people, the law and the king”. We are in charge of our show. I am not suggesting that I endorse this but we heard our Prime Minister say the other day, when he was asked who will oversee all this, “I will.”

The “I” in what I am saying is the people, the people of Canberra and the people of Australia. And that is why a symbol like a blue federal star says, “There is your bluebell; there is your federal star.” Blue stars look a bit odd, but I will leave that to the heraldists.

THE CHAIR: On that note we might leave it there because our scheduled time is coming to a close. On behalf of the committee, I thank you for you appearing today on behalf of Flags Australia. When available, a proof transcript will be forwarded to you to provide an opportunity to check the transcript and identify any errors in transcription. I do not believe you took any questions on notice, so we will not have to follow up on that. But thank you once again for appearing today.

Mr Burton: Our pleasure.

PROOF

THE CHAIR: We will now move to the Australian Monarchist League. Mr Burton, you are welcome to continue to watch in the gallery.

Mr Burton: I would like to just listen. I have had my say. And thank you all.

SAIT, MR MATTHEW, Branch Chairman, ACT and District Branch, Australian Monarchist League

THE CHAIR: Thank you for appearing today and for your written submission to the inquiry. I remind you of the protections and obligations afforded by parliamentary privilege and draw your attention to the pink privilege statement before you on the table. When you are ready, can you please confirm for the record that you understand the privilege implications of the statement.

Mr Sait: Yes, I understand.

THE CHAIR: Thank you. Do you have any opening remarks that you want to make?

Mr Sait: Yes, thank you. The Australian Monarchist League is Australia's largest membership-based monarchist organisation. We oppose the proposal to change the coat of arms used by the ACT, and we do consider it to be a change. We reject the claim that the current arms used by the ACT are not the arms of the territory.

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 a map. This is a distinction which the ACT government and most people here ignore in every other context. There are tons of examples of this. The number plates labelled "Feel the power of Canberra" may be the best example of that.

We endorse the submission of the Australian Heraldry Society with regard to the ACT's right to use the current arms. I think it is important in this debate for us to remember what the purpose of a coat of arms is. The coat of arms is there to be a distinctive visual symbol, an identifier, of a person or entity. The current arms have been used for decades by the ACT government, by the sporting teams and by the community, and they now undeniably represent the ACT. They are an identifier, a symbol of the ACT. So they are the ACT's coat of arms in a practical sense.

The purpose of a coat of arms is to identify us. Despite what some of the submissions have stated, it is not the job of a coat of arms to encapsulate our perceived self-identity, the vague aspirations of the majority or something that came up in the latest opinion poll on a contentious issue. Coats of arms are not marketing logos; they are not Facebook profile pics. Having said that, the Monarchist League considers the symbolism of the current arms to be entirely appropriate for the ACT in 2019.

Everyone agrees that the arms should in some way be distinct. 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. That is why the territory's establishment is something that we should be really proud of.

Many of the submissions question the arms' references to our monarchy. Our monarchy is an Australian, not a foreign, institution. Our national independence is in

no way limited by our choice to share the person of our monarch with 15 other countries. The monarchy is a key part of our current system of constitutional democracy. The Crown has a massive presence here in the ACT. Indeed, under the self-government act, the ACT is a body politic under the Crown. We accept that there are many people in the ACT who want to change that situation. Under our monarchy, they are free to do that. But unless and until they succeed in making us a republic, the arms remain thoroughly relevant to today's ACT.

Designing a coat of arms should not be an exercise in denying reality. There is no reason why the ACT should not continue to use the current coat of arms.

THE CHAIR: Thank you. I want to go back to your position that the city of Canberra coat of arms are de facto those for the ACT and that—I am paraphrasing, so correct me if you do not agree—there is no reason to have an additional coat of arms, which is what the committee is looking at, as the current one can have two purposes.

We have evidence from another submission, from the College of Arms in London, that the city of Canberra coat of arms cannot be used for the territory and that it is only for the city of Canberra. I take that to be quite authoritative, as the source that provides that information was the one that granted the original coat of arms. Given that we have had such strong advice, would you reconsider your position that the city of Canberra coat of arms can also be the ACT coat of arms?

Mr Sait: You say “two purposes”. There is no real purpose in the city of Canberra using a coat of arms. When does the city of Canberra use a coat of arms? It is completely artificial, I think, in that sense. I have not seen this advice.

THE CHAIR: One of the heraldry associations provided it.

Mr Sait: The College of Arms in London obviously has great expertise on the English law of arms. To what extent they are aware of the constitutional and legal arrangements in Australia, particularly those relating to the government of the Australian Capital Territory, is the more pertinent question. But I am not prepared to comment on advice I have not seen. The Australian Heraldry Society in its submission put up what seemed to me to be a pretty thorough examination of the question, considering the original grant.

The other thing to remember is that the ACT government is a governing body. It essentially has the right to adopt whatever symbols it wants. To go back and start arguing about what was done in 1928 and so forth—that argument can be made, but I think it is a bit beside the point.

THE CHAIR: I have just found the email. For your reference, I will read it out. It was provided as an appendix to a submission, so it is publicly available information. The email is to an individual, so I will not read the name. It says:

Thank you for your email. The ACT Government does not have the right to use the Arms granted to the Federal Capital Commission in 1928. There is no further correspondence on the file more recent than a letter from my predecessor dated 20th October 1999.

That is signed by Mr Thomas Woodcock, Garter King of Arms, College of Arms. To me, that is a fairly authoritative opinion.

Mr Sait: As we said in our submission, if there is some concern about the legalities—I am not going to give you legal advice, but surely the ACT has the competence to adopt its own arms. So—

THE CHAIR: Absolutely. That is the primary consideration of this committee.

Mr Sait: As we said in our submission, if you need to have the arms transferred to the ACT or something, if there is some concern that what you are doing is unlawful, that can be done very easily. It is very hard to disagree in any way with advice that essentially amounts to one line. It seems to be a conclusion. It gives no reasons and no real background to what was asked. We disagree with that advice, but it is a bit hard to interact with it when it does not amount to much of substance at all.

THE CHAIR: I think we can both agree, though, that there is a bit of confusion around what does and does not apply.

Mr Sait: No, I do not think there has been confusion. Everyone who sees the coat of arms thinks of the ACT. I got a speeding ticket the other day, I am sorry to admit. I probably do not want that on the public record. I did not see it on the envelope and think, “I must go and find the city of Canberra and pay it to them, because it’s their arms that are on the front.” When we see ACT school representative sporting teams with the city of Canberra arms on their black jackets, we do not think, “I wonder if they play matches against the other teams from the ACT.” There really is no confusion about what the arms are identifying and what they signify.

THE CHAIR: Can I clarify for the record that, if the ACT adopted a coat of arms, if we took the advice that has been provided to the committee that the city of Canberra coat of arms does not stand for the ACT as well, if an ACT coat of arms was adopted, it would be the Monarchist League’s preference to adopt the city of Canberra coat of arms as it is?

Mr Sait: Yes, which would essentially be, as I say, to us a legal tidying up of what in fact has been the reality for a good 20 years.

THE CHAIR: A lot of submitters have raised the issue of wanting to revise the coat of arms to make it more reflective of Canberra’s more recent history and also quite a bit more of its longer history. We have had Indigenous symbolism raised with us quite a lot. We have had people note self-government. There have been a whole range of reasons. Given that you see the city of Canberra coat of arms as being most suitably adopted as is, what do you say in response to everyone who has raised with us that they want to see it modified to better reflect a broader range of symbols?

Mr Sait: A coat of arms is, as I said, just a symbol. It is not actually, in a sense, a CV of who we are or a summary of us. It is not our Facebook page. These arms often tend to be very permanent in their nature. For instance, the Australian states have got arms that they have had for over 100 years in many cases. They are not constantly revising

things. 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 that is updated to reflect passing fads, modern traditions.

If you think of some of some of the European countries, some of the cities, they have had arms for hundreds and hundreds of years. They have gone through wars, revolutions, totalitarian governments, plagues, you name it. No-one stops and says, “We now have more important concerns.” It is not really what they are about. There are other vehicles you can use for that. If you do not mind me showing an example, this is the coat of arms of the city of Amsterdam.

THE CHAIR: Would you like to table that so that we can—

Mr Sait: I am happy to do that.

THE CHAIR: If you are going to talk to it, it might be best if the committee takes it as evidence.

Mr Sait: Yes.

THE CHAIR: We will collect it afterwards. You can still talk to it while you are here.

Mr Sait: It is in the public domain. That is pretty obvious. Does this represent the aspirations or the current views of Amsterdam? There are not very many lions in Amsterdam. Holland, of course, is a monarchy, but the coat of the arms is the crown of Austria. Austria has not been a monarchy for 100 years and it has not ruled the Netherlands for about 250, 300 years.

Again, the point of the coat of arms is not really to be contemporary. Yes, you take into account things that are important to you and distinctive when you design your new one, but after that it is largely set. Again, if there was some massive change in your situation you might want to revisit it. When the Soviet Union broke up, a lot of the Russian cities adopted new emblems.

In the case of the ACT arms, if Australia was to become a republic we may well want to revisit the ACT arms. But then, as I said, as the arms of Amsterdam show, we might not even want to do it then. I think the idea that our arms need to be updated every two or three years to represent whatever is currently important to us misses the point of them.

THE CHAIR: Just on that, New South Wales have amended their coat of arms. Queensland have amended their coat of arms three times. South Australia have completely replaced their coat of arms. Even the Australian coat of arms was modified to better reflect the Australian states a few years after it was adopted. Given these precedents—and I appreciate you said a few years and you do not want to be updating it every few years—and the fact that we are looking at a coat of arms from 1928, that is not a few years ago; that is quite a few years ago. And there are other precedents where one has been modified. I can appreciate your position. I am finding it a little hard to reconcile why it should never be reflected upon or considered that the coat of arms could arguably—and I will use that word because I know it is not agreed

by everyone—be better representative of the people it is a symbol for.

Mr Sait: It does not represent the people in the sense of trying to encapsulate everything that is important to the people. In a sense, that is not something that is going to happen anyway, and whatever design we come up with, particularly in a society as diverse as the ACT, in one sense is not even entirely realistic. The important thing about the arms is that it is distinctive; it is not completely inappropriate.

As I said, I think the current arms certainly do fulfil that role, because the most distinctive thing about the ACT is that we are the seat of government, and the arms really emphasise that. That is, of course, something that is in fact unifying for, I think, the whole of the territory. It is not taking on the views of some people, denying others, and not picking up some history. It is actually something that is common to all of us.

MISS C BURCH: Accepting that you have stated a number of times that you do not think it is necessary to have a second coat of arms, if we were to design a coat of arms for the territory, what symbols and elements do you think would be most important to incorporate in that?

Mr Sait: As we said in our submission, we think the most important thing is that there should be some symbol of the monarchy. The ACT, of course, has a particular relationship to the Crown, being the seat of federal government. We have, of course, the residence of the Governor-General here. We have the parliament here, and of course the Queen is a component of the parliament. Half the people in the ACT work for the Queen, work for the Crown, either in the public service or in the military. It is obviously entirely appropriate that we represent that special status in the coat of arms. That is all the Monarchist League would say about the details.

MISS C BURCH: Can I also ask: we heard a bit from the previous witness about the flag and the fact that the current coat of arms is on the flag. What would your views be on redesigning the flag, whether or not we were to develop a second coat of arms or to adopt the current coat of arms as the territory coat of arms? Do you think that we need to redesign the flag? Do you think it is inappropriate that the current coat of arms is on the flag?

Mr Sait: All the Monarchist League would say about it is that we think it is inappropriate that, in a sense, the current coat of arms is not on the flag in its entirety. The deliberate stripping of particularly monarchical elements from the coat of arms as they are used in the flag is completely inappropriate.

MR MILLIGAN: You have captured a lot of what my interests are in this particular inquiry and I think you have given quite important relevant information on what you think should be represented on the coat of arms to represent our heraldry, our history and where we have come from. I asked the previous person what importance is put on current environment in community, in society, what they find important and, on the contrary, our history, where we have come from, what has created what we have here. How do we celebrate both those elements on a single coat of arms? How would you include our heraldry and what is currently relevant in society?

Mr Sait: As I said, I am not so sure it is important that the arms symbolise what we currently think is important. I think that, in any event, the arms, with the strong elements there of the representation of federal government, actually show contemporary Canberra. It may not represent the sentiment or the aspirations in some sense of contemporary Canberra, but it represents very strongly the reality, the purpose, why we were established and what continues to be distinctive about the ACT.

I actually think the current design of the arms represents both our history as well as the present reality. Of course, it does not say everything about today's ACT and how we are more than just the federal government and how we are quite blessed in terms of our natural setting. But the coat of arms cannot do all those things. It cannot do everything. It cannot say everything that we would like to be said. There are other tools, other symbols, you can use for that.

MR MILLIGAN: As you have indicated, we are quite diverse. To try and encapsulate that diversity into one coat of arms or one symbol would be quite complex and very difficult to achieve. Something a little left of field, I guess, is: what are your thoughts on, if we were to design a new coat of arms, what would be different to what we have now? Should there be an Indigenous design or element applied to it to show our Indigenous history, our Aboriginal history?

Mr Sait: Firstly, I think it is important that many of the elements there are actually representing and are indeed covering Indigenous Australians but with a distinct history. We have, of course, the crown as a symbol of our parliament, which represents all of us, including Indigenous Australians. As to whether you would want to include Indigenous symbols, firstly, of course, you would want to talk about that with Indigenous territorians. The other thing is—and it becomes an interesting mix of culture—the coat of arms is in a sense inherently a European designed model. There are precedents for adopting more local symbols in things. But, as I said, the reference particularly to the monarchy shows, I think, the inclusiveness of the current design. We are not necessarily singling out a particular history.

MR MILLIGAN: Currently we have the black and white swans on our coat of arms, obviously to represent, as I understand it, our European settlement and Indigenous Australians. Is it important for that to be represented within the coat of arms, in your opinion?

Mr Sait: I think it is very fitting symbolism, very fine symbolism, yes. I think there is precedence for using the support to represent the multiple historical origins of a place in the arms of other countries and other cities. I think that is very fine.

THE CHAIR: You said that you supported—was it the Heraldry Society?

Mr Sait: The Australian Heraldry Society.

THE CHAIR: Our last witness also mentioned that he was a member of another group, whose name escapes me. I just want to check if you are a member of any other association.

Mr Sait: I am a member of the Australian Heraldry Society, not a terribly active one.

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But obviously I am speaking entirely on behalf of the Monarchist League.

THE CHAIR: As we have concluded the questions, we will wrap up this particular part of the hearing. On behalf of the committee, I thank you for appearing today on behalf of the Australian Monarchist League. When available, a proof transcript will be forwarded to you to provide an opportunity to check the transcript and identify any errors in transcription. I do not believe you undertook to provide any further information. We will not need to follow up that with you. If you could hand the picture that you tabled to the secretary before you finish today, we can conclude there.

OSTYN, MR IVO

THE CHAIR: We will now move to our third witness appearing today, Mr Ivo Ostyn. On behalf of the committee, thank you for appearing today and for your written submission to the inquiry. Can I remind you of the protections and obligations afforded by parliamentary privilege and draw your attention to the pink-coloured privilege statement before you on the table. Just take a moment to look over that. I will ask the question: can you confirm for the record that you understand the privilege implications of the statement?

Mr Ostyn: Yes, I do.

THE CHAIR: Can I also remind you that proceedings are being recorded by Hansard for transcription purposes and are being webstreamed and broadcast live. Did you have an opening statement or opening remarks that you would like to make?

Mr Ostyn: Yes. I am a Canberra citizen. I also designed the current ACT flag. I have some interest, although I am not very experienced, in heraldry, but I would like to put forward that we should have a new coat of arms and I think we should have a very good look at our existing flag and possibly change it by deleting the modified coat of arms and replacing it with our floral emblem, which is the royal bluebell. I think we should do that. I feel that Canberra deserves it.

I also feel that the current city coat of arms was designed strictly for the city. It is not a territory symbol as such. I think it should be restored back to it being the city coat of arms, and that frees us up to design a new territory coat of arms. The other thing is that every state and the Northern Territory has its own coat of arms and I do not see why we should not have one either. I feel we should restore the city coat of arms to being the city, strictly the city, coat of arms.

THE CHAIR: The previous witness indicated that it was his view that the city of Canberra coat of arms should be adopted as a territory coat of arms because the city of Canberra coat of arms already acts as a de facto territory coat of arms and it is what people recognise as the ACT coat of arms. Do you agree with their view, and why or why not?

Mr Ostyn: No. I think it was specifically designed for the city. It is not a territory symbol. It was also designed, I think, in conjunction with the commissioning of a Royal Australian Navy ship as a badge for that ship. It is not strictly a territory symbol. The government has used it as a territory symbol. I think that is correct. In fact, I even noticed it was on the rubbish bins this morning when I pulled them in. It is a city coat of arms. Leave it be as the city coat of arms and have that territory coat of arms, a specific territory coat of arms, as all the other states and the other territory have as well.

THE CHAIR: To further clarify that, if the territory coat of arms was adopted, what would you see the role of the city of Canberra coat of arms being?

Mr Ostyn: It is part of our history. It was a commission granted in 1928. I think we

should keep it as the city coat of arms. We would be in a special situation where we should have a territory coat of arms and also a city coat of arms. I do not think there is anything wrong with that. Yes, I think we would be in a position where we had both a territory symbol and a city symbol.

MISS C BURCH: You said that it was specifically designed for the city and not the territory. Why do you think that distinction is relevant?

Mr Ostyn: It is designed for Canberra city. It is a Canberra city coat of arms. Obviously the person who designed it must have encompassed that in that design. I do not think it speaks to us as a territory symbol. We can do better than that to make a territory symbol, a viable territory symbol.

MISS C BURCH: And why is that? Do you have any rationale for why you think it does not speak to us as a territory? We heard from a previous witness as well that, to many Canberrans, that distinction is a bit irrelevant. I am interested in why you disagree with that.

Mr Ostyn: I think I am happy for it to be the city coat of arms, which is what it was designed for, but I think there is room for a territory coat of arms. That is the broader territory. I think we need to do that.

MR MILLIGAN: In your opinion, how would that look different from or include what we do not already have now in the city coat of arms?

Mr Ostyn: I think we need to use more relevant symbols. We should also use our flora, fauna and a mammal symbol. I know the government implemented a new mammal symbol last year, which I congratulate them on, the brush-tailed wallaby. I think we can use those symbols that are relevant and that are very appropriate to us here in the ACT, and we should use those. If you look at the current city coat of arms—and I know there are monarchists here who probably will not like hearing this—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 the symbols of the ACT? I do not think so. I think we need to develop that further and put more relevant local symbols into our coat of arms.

MR MILLIGAN: What symbols would you suggest to represent strength, to suggest unity, to suggest the different levels of government that we have, to also represent our military, our strong borders and so forth?

Mr Ostyn: I do not think we need to do that with a territory coat of arms. I think we just need to represent the territory with the coat of arms by using locally recognisable symbols.

MR MILLIGAN: But is not our territory representing that? We have our defence force here, we have our commonwealth here, we have different levels of parliament here; we are representing that. We are representing keeping Australia safe and the swords are representing strength and—

Mr Ostyn: I think those are more for national symbols, national coats of arms. I do

not think that should be recognised as much in a territory coat of arms.

MR MILLIGAN: But we are the Australian Capital Territory.

Mr Ostyn: Yes. We are the seat of government. That is correct. But I think number one should be the Australian Capital Territory and we should symbolise that in our coat of arms. I do not think we need to address the military or anything else, the seat of government. Just let it be the territory coat of arms.

I think also that, in conjunction with that, if we are to implement a new territory coat of arms, we need to address the flag, which I designed back in 1993. I was commissioned by the government to design five flags, using the modified coat of arms. 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.

I designed the five modified coat of arms flags and I was probably the most surprised person that it was actually selected in the end. I do not think anybody was happy with it. I do not think anybody is happy with it now. I know that Rosemary Follett was very unhappy about it. It was implemented under her watch.

What we need to really do, I think, is delete that modified coat of arms and replace it with the floral emblem of the ACT, which is the royal bluebell. Then you would truly have a unique and beautiful flag that is relevant, non-political, respectful of our Indigenous people past and present. Suddenly all the problems with the flag just disappear if you use a floral emblem on the flag.

I spoke to the Chief Minister about that last year and he seemed to agree with me. I was quite frank with him and I said to him, “Listen, the easiest thing to do is to do nothing.” He sort of agreed that possibly changing the flag would be a good thing and using the floral emblem would be ideal.

THE CHAIR: One of our previous witnesses today said it can be quite problematic to have a flower symbol on a flag. Do you have a view on that, given that you have suggested the bluebell?

Mr Ostyn: Yes. I always tell people to take a good look at what the Northern Territory has done. They have their symbols package done to perfection. We should try to replicate that, but of course using our own local territory symbols, including the floral emblem. Take a look at the Northern Territory flag. The one that I am proposing now is very similar in that sense, but we of course would use our floral emblem rather than the Sturt’s desert rose, which is on the Northern Territory flag.

I think our colours—the gold, the blue and the white—are perfect. They are good contrasting colours to work with. I do not have any problems with the Southern Cross. So the architecture of the flag is essentially correct. There is just one element that is wrong with the flag, and that is the modified coat of arms. Get rid of it. It does not address any heraldry reasons and it is an abomination. It is the only thing that spoils our flag.

THE CHAIR: If I remember correctly, you said it is essentially a big no-no to put a modified coat of arms on a flag, from a heraldry point of view. Could you expand on that a bit?

Mr Ostyn: It is a city coat of arms being used on a territory flag, which I have issues with. Could you repeat the question?

THE CHAIR: In one of your previous answers you mentioned that it is your understanding that it is essentially a big no-no to put a modified coat of arms on anything.

Mr Ostyn: Yes. The city coat of arms, as it is shown on the print, is the complete piece of heraldry. I am not a real heraldry expert; I know there are people here who are. But once you start pulling a coat of arms apart, you start unravelling something, and you do not do it. I know why it was done: it was a desperate attempt to simplify the coat of arms to put it on a flag. That is how the modified coat of arms came into being. But it should never have been part of the brief. It was a mistake. It was done, I think, because of the preferences of the then Chief Minister, who wanted to see a flag with a modified coat of arms on it. The modified coat of arms was born within the Chief Minister's department in a desperate attempt to simplify it for flag form.

THE CHAIR: So the modified coat of arms came from the Chief Minister's directorate at the time and was given to you to work into the design brief.

Mr Ostyn: Yes, and I argued strongly against it. I said, "Please consider the floral emblem," but, no: it had to have the modified coat of arms on it. Most heraldry people would probably agree that you just do not unravel a piece of heraldry and then expect it still to be a beautiful thing. It is visually disturbing on many levels. 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. A floral emblem does that. With a modified coat of arms, all the detail is lost in the flying flag anyway, so it is almost pointless. You have to get very close to the flag to see what it actually is. For good flag design, keep it simple and use something like the floral emblem.

THE CHAIR: For the record, I note that Mr Ostyn has tabled a document with a range of pictures on it, titled "Towards an ACT coat of arms and symbols package". I believe that that is also in your submission.

Mr Ostyn: Yes. If you do a new coat of arms you should use the floral emblem as the main theme. That theme could then carry through to the government logo, which should again use the floral emblem, and of course the flag. So the coat of arms, the government logo and the flag should have that theme running through them. That probably would be a good thing to do.

I noticed as I walked through the entrance here that you have the coat of arms on your portal. It actually says "the King" rather than "the Queen". I found that rather interesting.

MISS C BURCH: What are your views on the motto on the current Canberra coat of

arms? Do you think that that motto should remain on a new coat of arms?

Mr Ostyn: No, I do not think it should. We should just put “Australian Capital Territory” under the new coat of arms, although I believe that Ngunnawal means something significant as well. I cannot remember what it actually means. But, no, I do not think we need to have a motto. I think just “Australian Capital Territory” under the coat of arms would be all right.

THE CHAIR: You note in your submission that a territory coat of arms:

... should reflect the status and importance of our Territory as a unique and special place and also reflect the aspirations of its citizens.

In your view, what would this include?

Mr Ostyn: The elements of the coat of arms?

THE CHAIR: Yes.

Mr Ostyn: As I have shown in the little graphic, I think you should use the mammal emblem, the floral emblem and the fauna emblem. What I have shown you there is just a sketch plan. It is just a thought bubble really. I have shown on the shield the Brindabellas. I have shown the Murrumbidgee River. The yellow is the Limestone Plains, with the floral emblem superimposed on the yellow. I think it ticks most of the boxes. I am not so sure about it from a heraldic point of view. I would not mind discussing this with a few people. It is just a thought bubble. I throw it into the ring.

THE CHAIR: You have noted that we should have a territory coat of arms that is more symbolic of the territory. In what ways do you think the city of Canberra coat of arms does not reach the goal of being symbolic of the ACT?

Mr Ostyn: I do not want to upset anybody here; I know there are a few conservative people here. But when I look at the city coat of arms it just does not speak to me. I mean, there is a castle on it. Is that really relevant to the ACT? There is a crown, there is the rose of York and there is a portcullis on it. Is that really relevant to us here in the ACT? I do not think so. I have spoken to other people about it and they agree. What has that got to do with us? You need to use locally recognisable symbols rather than something that is a legacy from Europe.

MR MILLIGAN: Would you replace the castle with the Parliament House flag?

Mr Ostyn: I had not thought of that. I would not do that, no.

THE CHAIR: James, did you mean the flagpole?

MR MILLIGAN: Yes, the flagpole.

Mr Ostyn: I think one of the designs I put forward did use the flagpole. But just use locally recognisable symbols, I suggest: flora, fauna and mammal.

MR MILLIGAN: Whatever is put together or suggested, you will not please everyone.

Mr Ostyn: No.

MR MILLIGAN: I guess it is a matter of finding out who makes that decision and why we are making that decision.

Mr Ostyn: We are a modern city state, a modern territory. I think we need to move forward. We need to get our symbols act together, because we are lacking compared to the other states and territory. We need to get our symbols in order. We do not have a coat of arms, so let us get one and let us restore the city coat of arms back to where it belongs, which is as the city coat of arms. It is part of our history and I personally am quite happy for it to be there.

MR MILLIGAN: What would happen if we did a new coat of arms for the ACT and it came out looking very similar and had the same design aesthetics and symbolic elements? I mean, you may replace the castle with the Australian parliament flagpole; you may replace the swords with something else that represents strength and unity. If it comes out very similar, is that a whole process we have gone through that is unnecessary and—

Mr Ostyn: I think we can do better than that. There are some clever people in Canberra who certainly know how to design things. There are a wealth of things that we can use on a coat of arms and there are very talented people in town who could easily come up with things, but I suggest just sticking with the flora, fauna and mammal emblems as the key elements for a new coat of arms.

MR MILLIGAN: I too—

Mr Ostyn: It is non-political. It would satisfy, I think, the broader community more than anything else. It would not—

MR MILLIGAN: At the current point in time—obviously society was different 50 years ago, 100 years ago and—

Mr Ostyn: Of course. I agree. You do not have to change coats of arms every 10 years, because that would be ridiculous. A good coat of arms should last 100 years plus, I would have thought, if you have all the symbols right and you have—

MR MILLIGAN: It has not been 100 years yet, has it?

MISS C BURCH: No, but it is getting close.

Mr Ostyn: It needs to be relevant. People need to recognise that “this belongs to me, this is me and this represents me”.

MR MILLIGAN: But it may be recognised by quite a few people. I think it is recognised by quite a few people in this room.

Mr Ostyn: Yes, sure.

MR MILLIGAN: So who makes the decision on what we use to be recognised by in our society? Is it just the people who make the most noise, or—

Mr Ostyn: No, but I think that if you were to put it to the vote most people would want a new coat of arms if they were aware of the situation, of what we do not have at the moment. We do not have anything at the moment. If people were made aware of it and educated on what should be on a coat of arms, I think most would agree that we should have something that is current, relevant, non-political, respectful of our Indigenous past and present, and something that kids can draw at school, for example. You try drawing our flag or our coat of arms now. It is pretty hard to do. I think there are many good reasons for doing it.

THE CHAIR: The city of Canberra coat of arms—it was 1928. The city was incredibly young at that point in time and very different to what we have now. Do you think that part of the issue is that the city has grown and changed in that time, the population has grown and changed and the role of the city, while it is still the seat of government, has diversified? Do you think those are some of the issues that go to why the city of Canberra coat of arms might not best represent what we are and what we will potentially be in the future?

Mr Ostyn: The thing is, we do not have a coat of arms at all, so we need one. This being 2019, whoever is going to design it will no doubt look towards locally recognisable symbols. The current coat of arms, the city coat of arms, was probably very relevant in 1928. I am sure it was. It certainly would have addressed the badge for the ship that was commissioned at the same time. But that was then; this is now. We do not have a coat of arms, and I think we need one which we agree is on par with the other states and territory.

MR MILLIGAN: How is it different to what it was in 1928? Our governments are still the same. What has—

Mr Ostyn: We have grown in population. There is a much larger awareness of Indigenous issues, which was probably not relevant in those days.

MR MILLIGAN: It represented Indigenous people—within that coat of arms.

Mr Ostyn: The black swan does represent the Aboriginal people, correct. But I think we can improve upon that and be even better than that. Keep in mind that it is the city coat of arms; it is not a territory coat of arms. I do not think the crown, the swords or the rose of York would mean very much to any Indigenous people.

THE CHAIR: Thank you very much, on behalf of the committee, for appearing today. When available, a proof transcript will be forwarded to you to provide an opportunity to check the transcript and identify any errors in transcription. I do not believe that you undertook to take any questions on notice or provide further information.

Hearing suspended from 2.18 to 3.00 pm.

REDDAN, MR RICHARD, President, Heraldry and Genealogy Society of Canberra
JOHNSON, DR JOSEPH, Heraldry Special Interest Group, Heraldry and Genealogy Society of Canberra

KINGMAN-SUGARS, MR GEOFFREY ESQ, Heraldry Special Interest Group, Heraldry and Genealogy Society of Canberra

LINDESAY, PROFESSOR JANETTE, Heraldry Special Interest Group, Heraldry and Genealogy Society of Canberra

LINDESAY, MR CHRISTOPHER, Heraldry Special Interest Group, Heraldry and Genealogy Society of Canberra

THE CHAIR: On behalf of the committee, thank you for appearing today and for your written submission to the inquiry. I remind you of the protections and obligations afforded by parliamentary privilege and draw your attention to the pink-coloured privilege statement before you on the table. When you are ready, could you confirm for the record that you understand the privilege implications of the statement.

Mr Reddan: Understood.

Prof Lindesay: Understood.

THE CHAIR: Everyone has had a chance to read it and understand—yes? Great. Before we proceed to questions, would anyone like to make a few short opening remarks?

Mr Reddan: I am here to support my colleagues, who have a more direct interest in heraldry, but the society as a whole supports the idea that the ACT should have a separate coat of arms.

THE CHAIR: Thank you. Some of the witnesses we have heard from today have indicated that they consider the city of Canberra coat of arms to be de facto a territory coat of arms. Does the society have the same view: that the city of Canberra coat of arms is essentially an ACT coat of arms?

Mr Kingman-Sugars: 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. They have been used in a military context in the naming of ships *Canberra*. People have died under that, so I think the military context makes it very important that they remain as Canberra arms. We believe that the ACT itself does not have arms. We would like to see this committee agree to put forward the fact that we should have arms and to open it up to competition for residents of the ACT or even Australia.

THE CHAIR: In your submission, as an appendix, is a letter from the College of Arms. It is an email confirming that the ACT does not have the right to use the arms granted to the Federal Capital Commission in 1928, which is the city of Canberra coat of arms. Can you give us a bit more context to this email?

Mr Kingman-Sugars: I asked the College of Arms, as they were the original authority that prepared the papers, the letters patent and everything else. They were

doing that at the bidding of a royal warrant issued by King George V. They were an integral part of the system. In other words, they were the authority that issued all the letters patent pertaining to those arms.

THE CHAIR: Is it because of this correspondence or for other reasons that you say the ACT does not have a coat of arms? I am just trying to piece together how it all fits.

Mr Kingman-Sugars: As we said, the Canberra arms belong to Canberra and the ACT arms do not exist. I wanted some confirmation of that, so I wrote to the College of Arms, and that is what came back.

THE CHAIR: Did they put forward any clarification as to whether the ACT had a coat of arms or whether the city was de facto—

Mr Kingman-Sugars: It was not mentioned.

THE CHAIR: Previous witnesses have indicated that the city of Canberra coat of arms should be adopted as the territory coat of arms. Do you agree with this view? Why or why not?

Mr Kingman-Sugars: Definitely not, 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. I think we should have them and they should reflect the things we put in the submission.

THE CHAIR: It has also been suggested in the hearing today that if you designed a territory coat of arms it would look much the same as the city of Canberra coat of arms. Do you have a view on that suggestion?

Dr Johnson: The ACT as a geographical entity has much more in it than the houses of parliament. The current arms reflect very accurately, in heraldic terms, the function of the legislature. You have the three turrets of the castle: the legislature, the judiciary and the executive. You have the crossed maces to represent the parliament. You have the portcullis guarding the gum tree, because the parliament of Australia is the guardian of our liberties. That is a very parliament-focused piece of heraldry.

There are other things in the ACT which would make a distinctive coat of arms for the Australian Capital Territory; for example, the gang-gang cockatoo and the brush-tailed wallaby. These are symbols the ACT has already been granted, and I think they could be wrapped together to make some kind of totally different coat of arms.

Perhaps most important of all, there is no recognition of the Indigenous people on the current coat of arms except that one of the swans is black. There is nothing there that carries an Indigenous symbol of any kind at all, whereas the Northern Territory coat of arms is entirely Indigenous symbolism. I think it would be very appropriate if an Indigenous language could be used for the motto.

MR MILLIGAN: On the notion of having some sort of symbol representing Indigenous Canberrans or this area, or a graphic of some sort, how would you work

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with the community to determine what that symbol would be? Given that the Indigenous community do not live by our borders—they live by their tribes—and do not see our borders as an area that defines them, how could you include all Indigenous tribes, peoples and families from this region to contribute to a symbol that could potentially be used on the coat of arms equally and that everyone would be happy with?

Dr Johnson: Call together the tribal elders, because they are the spokesmen for each of the Indigenous communities. This has always been a meeting place for a variety of Indigenous peoples. They have always met in Canberra. In fact, I believe that the word Ngunnawal actually means meeting place.

MR MILLIGAN: No, that is Canberra.

Dr Johnson: Canberra is the meeting place.

MR MILLIGAN: Ngunnawal is typically the word used for the people and the language that they speak.

Dr Johnson: Again, consult their elders. I am certain there would be an appropriate theological, for want of a better term, motto that they would have. There would be some term that they use to draw the peoples together. Something like that would be very appropriate. But I believe they must be recognised in some way.

THE CHAIR: I think a few people indicated that they wanted to answer my previous question about whether an ACT coat of arms would look much the same as the city of Canberra coat of arms. Does anyone else want to have input on that?

Prof Lindesay: I would like to say something about that. I participated in writing the submission that you have in front of you. As to whether the ACT should have its own coat of arms, I am very strongly in favour of that. I support all the views that have already been expressed about Canberra's coat of arms.

Given that the ACT is the capital territory that houses the focus of Australia's democracy, it is entirely appropriate that the territory should have its own symbolism that characterises it. It is also important that it should characterise the territory and its inhabitants as they are today, while reflecting its history. Canberra—and I am saying Canberra advisedly—and its residents have, I think, developed an identity with the place and with the area of the ACT around Canberra that is much broader than simply the focus of the parliament, which was everything that was being focused on at the time when the territory was established under its previous names and when Canberra was established.

Having symbols that are meaningful to the current population and the future populations is very important. I read through all of the submissions, as I think most of us did, that were online, and we saw quite a lot of support for that idea. I am well aware that there were people who were questioning whether this was necessary at all, but there was quite a lot of community support expressed in those submissions for that. People are very proud of what the ACT is and what it has to offer.

Mr Reddan: If you look at the size of parliament compared to the population of Canberra you will see that when Canberra was created it was much closer to the size of the city than it is nowadays. So I think it is a good opportunity to have a more modern look at our coat of arms and to recognise things which were not recognised in the Canberra coat of arms, which reflected the time of their drafting as much as Canberra as an idea.

Prof Lindesay: On the question of consultation with Indigenous people, we are very much aware that a number of Indigenous nations have long historical connections with this region. The most recent example that I am aware of of extensive consultation with all of those groups which ended very successfully was conducted through the Australian National University in looking for an Indigenous identity for the centre of the campus that has been redesigned and redeveloped and is now open.

The consultation process culminated in the granting of the name Kambri, which is a very specific name associated with Canberra but specifically given to the ANU to use for that location to represent all of the important ideas that are on or around the university as a place of learning, a place where people come together to share their knowledge and then to disseminate that knowledge. So if you were looking for a group that had recently engaged and had identified the community leaders who are very open to that sort of engagement, I could certainly put you in touch with relevant people who can do that. Would you like a name right now?

MR MILLIGAN: No. I am the Shadow Minister for Indigenous Affairs, so I already have—

Prof Lindesay: Of course. Good.

MR MILLIGAN: Just on that, if you were to pick, let us say, five or six elements to represent the ACT, flora is one and fauna is one. Put them aside. What other elements would you think should be or would be considered to be included in a design brief for a coat of arms that will represent, as you said, society today but also our history, which is very tricky in itself? Are you able to put forward a few of those elements you would think?

Mr Kingman-Sugars: Number one, we would include the federal star, the seven-pointed star, which I think is an important thing, giving acknowledgement to its actual, unique position as the federal capital. That would be on the shield itself, not as a crest. The ideal thing to put that in is obviously the blue sky that we have here. Then, of course, we have below the blue sky the Brindabellas, the foothills of the Brindabellas. Then we have the limestone plain with rivers running through it. These can all be represented heraldically and correctly described heraldically. Also, we mentioned, of course, the royal bluebell. That should have a main position in the shield itself.

MR MILLIGAN: What about the people? We have mentioned a lot of geographic elements. What about the people; that is, government, systems?

Mr Kingman-Sugars: We have thought about that and basically what we have come up with is that we would like to see Ngunnawal used as the motto, meaning “We, the

people”, which is indicative of us.

MR MILLIGAN: There could be a bit of contention about that, particularly with other tribes, Ngambri and a few other tribes that are here.

Mr Kingman-Sugars: It is just a suggestion.

MR MILLIGAN: Of course. What about symbols to represent our wealth or our education or government or systems?

Mr Kingman-Sugars: That is changing all the time. You cannot identify one particular thing that is going to stay the same, other than the Brindabellas, the limestone plain, the sky and things like that. In other words, we have put enduring charges on the shield. In other words, time will not date them.

Dr Johnson: And there is a need for simplicity. We are very much a multicultural society. If you were to put human beings on it, which group would you represent? That might be going down a rather difficult course, I think, just because of that. To give you an example of a very simple coat of arms, I am sure you have all seen the ANU’s.

THE CHAIR: I have not actually.

Dr Johnson: It has the river, it has got a boomerang for the Aboriginal people and it has got the Southern Cross, and that is a really good example of heraldic simplicity. But it has got everything about the ANU. It is on the lake, it is Australian in its identity, and the stars point to learning.

MR MILLIGAN: You mentioned Aboriginal history and you mentioned multicultural. How is that represented on it? What about European settlement and what about multicultural society? You mentioned Aboriginal but what about our European settlement? What about our history? How do you represent that as well?

Mr Kingman-Sugars: There is no need to represent it.

MR MILLIGAN: It seems like we are picking certain aspects that are popular at the moment in the community but we are not addressing everything.

Mr Reddan: The federation star represents coming together as Australia, as a federation. I think that is an important part of our history, isn’t it?

MR MILLIGAN: And multicultural?

Dr Johnson: The symbolism of the star is: Canberra is in the centre of it. The rays that are going out reflect the character of this city and the territory, yes. But essentially, that kind of very simple symbolism, I think, is something we should strive for. We do not want something that is so busy we cannot see it.

MR MILLIGAN: Why, can I ask? I was a designer for 15 years and I designed emblems for New Zealand, for Maori and a few other things. Why does it need to be

simple? “Less is more” is not necessarily the right approach to take in this instance. How is simplicity meant to portray accurately the complex society that we have now?

Mr Kingman-Sugars: Heraldry is meant to be clear and concise, recognisable from a distance—in the olden days, medieval times, 200 yards or 200-odd metres—and the design could be seen at that time to be distinctly different from the other bloke over there who has got a slightly different design. If you put too much detail in it you will lose the simplicity. Heraldic design: the keep it simple principle.

Mr Reddan: These days, with printed things, a coat of arms appears this size or it appears on the front of buildings. When it is very small, you lose some detail. You do not want it to be too busy. It has to be visible and clear on a small scale.

MR MILLIGAN: Even the printed copies you have got in your submission—you would not necessarily see a coat of arms very much smaller than that, typically. With any design brief or anything that has been put forward, there is a requirement attached to that to suggest how big it can be, where it can be used and what it can be used on et cetera. A part of these briefs would be that this coat of arms may not be allowed to be printed any smaller than 20 millimetres square. That covers that concern about too much detail. You can quite clearly see the detail within these coats of arms, I think, because it has been designed to be that small or as large as a large sign on a big building.

Mr Lindesay: Could I maybe add something here? I think a good example is the commonwealth coat of arms, which all the commonwealth government departments pop on their letterheads and on their websites and so on. Then underneath they say the name of the department and underneath that “Australian government”.

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 that is a good example of bad heraldry. The challenge is to find some symbol that encapsulates all the things that you have been talking about while maintaining simplicity in design. Yes, that is the challenge.

THE CHAIR: I have a couple of quick questions. Just to clarify—and I know Mr Milligan mentioned we need to talk about the animals and so forth—I want to check for the record: would you be supportive or not supportive of animals being symbolised within a potential ACT coat of arms as well?

Dr Johnson: Definitely. Animals could be the supporters of the coat of arms. You could have a gang-gang cockatoo as your crest.

Mr Kingman-Sugars: And also the royal bluebell.

Dr Johnson: On the ground underneath the shield, a whole lot of bluebells growing on—

Mr Kingman-Sugars: Or even on the shield. We are not the design committee. This is the thing. Otherwise we would have come in and thrown them all over the place and you would be swamped.

THE CHAIR: I have got a few more questions. You note the current design of the ACT flag and question its appropriateness. In your opinion, should a coat of arms be placed on a flag?

Mr Kingman-Sugars: I disagree with that, in theory. If you have a coat of arms on a flag, it is basically the coat of arms itself and nothing else. In other words, we would not have our Southern Cross that we have now, which I think should be retained. I did have a possible thing for inclusion here, if you would like, if I could submit this.

THE CHAIR: You can table that. That is fine.

Mr Kingman-Sugars: That is basically the royal bluebell on a yellow background, retaining the Southern Cross in blue. It is simple and it is identifiable straight away. It has followed the KISS principle and anyone can draw it—kids at school; I could even try to do it freehand. But I do not want to do it on the computer.

THE CHAIR: Does the society have a view on the granting of arms and the process that should be followed?

Mr Kingman-Sugars: Who is going to speak to that?

Dr Johnson: This is the process of granting the arms?

THE CHAIR: Yes.

Dr Johnson: There are two channels you can follow. One is to go through the College of Heralds, who still claim they have jurisdiction over Australia. It is an interesting legal point, but they do make that claim. 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 then dubious capacity. It is that old problem of the divisibility of the Crown. She is Queen of the United Kingdom and Queen of Australia. She is being put on the spot and we would like to avoid it.

Mr Kingman-Sugars: And we also have to remember that the College of Arms is part of the Queen of the United Kingdom's household, not the Queen of Australia's household. We would like to see a repatriation of the royal prerogative granting the authority to the Governor-General to give arms or grant arms. And who better to put Canberra or, I should say, the ACT as the first one?

Dr Johnson: That would be very symbolic. The Canadian heraldry authority was set up by letters patent from the Governor-General. The Queen authorised them to take over the heraldic powers. The very first grant they made was to Quebec. It is a very sensitive thing in the Canadian federation, and it is so appropriate that Quebec was the first one to be granted arms. If we had an Australian heraldry authority and the first grant was to Canberra, I think that would be wonderful.

Mr Kingman-Sugars: The ACT.

Dr Johnson: The ACT, sorry.

Prof Lindesay: There have been attempts and representations made in the past—I am not an expert on the history of that—to establish an Australian heraldic authority, and that has not been successful up to this point.

THE CHAIR: I am not sure it is within Canberra's jurisdictional power to do that, but we are happy for your feedback.

MISS C BURCH: I would like to return to, I think it was, the first question that Ms Orr asked about the need for an ACT coat of arms in addition to the city of Canberra coat of arms. There was not necessarily a clear response in answer to that question and there has been a bit of criticism of the Canberra coat of arms. But I do note that, since being asked that question, a number of you have used Canberra and the ACT interchangeably. A couple of witnesses earlier today said as well that they thought that distinction was irrelevant to a lot of Canberrans. I would like to revisit that. Why do you think that there is a need for a second coat of arms?

Mr Kingman-Sugars: It is not a second coat of arms; it is a first.

MISS C BURCH: But why do we need another coat of arms, in addition to the city of Canberra coat of arms?

Mr Kingman-Sugars: Because we are talking about the ACT, not the city of Canberra. The ACT was set up using geographical boundaries which supported the supply of water, I believe it was originally, to the Australian capital, for Canberra itself. Therefore, the ACT is definitely a different entity to the city of Canberra, which is an amorphous thing, which is ever expanding. Plus, it also covers all the people who live outside the city, not just in the city areas.

THE CHAIR: Just one final question, if you could help me out because I am not the most familiar with different heraldry societies in Australia, can you tell me how your society differs from the Australian Heraldry Society that we are also hearing from today? I will ask them the same question, in fairness.

Mr Reddan: The Heraldry and Genealogy Society of Canberra has been in existence for over 60 years now. It is mainly focused on genealogy, but we have a very strong special interest in heraldry, which is represented here today by members of the society, to promote the heraldry and there is an overlap between genealogy and heraldry for the appropriate use of arms and things like that. You have to have the right lineage et cetera. It is important for heraldry and genealogy to support each other and that is where we come from as a society.

Prof Lindesay: Joe, would you like to respond about the difference between Heraldry Australia and—

Dr Johnson: Certainly. As has been rightly pointed out, HAGSOC has been around, I am not sure, as long as the Australian Heraldry Society but certainly probably on a competitive list like that. You can have a foot in both camps. I am the ACT Vice-President of the Heraldry Society of Australia but I am also a member of HAGSOC. On this particular occasion our views may well differ, because we are

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taking very much an ACT approach, rather than an overwhelmingly national one.

THE CHAIR: I think that our time is up. We will leave it there. On behalf of the committee, thank you very much for appearing today and for your written submission on behalf of the Heraldry and Genealogy Society of Canberra. When available, a proof transcript will be forwarded to you to provide an opportunity to check the transcript and identify any errors in transcription. I do not believe you took any questions on notice, but before the end of the hearing can you provide to the secretary a copy of the document that you asked to be tabled?

Dr Johnson: I will pass it over, yes.

THE CHAIR: Thank you once again for appearing.

D'APICE, MR RICHARD AM, President, Australian Heraldry Society

THE CHAIR: We will now move to the fifth organisation appearing today, the Australian Heraldry Society. On behalf of the committee, thank you for appearing today and for your written submission to the inquiry. Can I remind you of the protections and obligations afforded by parliamentary privilege and draw your attention to the pink-coloured privilege statement before you on the table.

Mr d'Apice: Yes, I have read that.

THE CHAIR: Can you confirm for the record that you have read it and understand the privilege implications please?

Mr d'Apice: I have read it and understand it.

THE CHAIR: Can I also remind you that proceedings are being recorded by Hansard for transcription purposes and are being webstreamed and broadcast live. Do you have any brief opening remarks that you would like to make?

Mr d'Apice: I do. I speak on behalf of the society today. I would like to agree with Dr Joe Johnson's comments at the end of his presentation about the differences between HAGSOC and the Australian Heraldry Society. We are a national body, whereas HAGSOC is a regional body. There is a considerable overlap in membership. Those members of HAGSOC who have a considerable interest in heraldry tend to be members of our society as well. There are differences of opinion between the two societies, and although Joe Johnson spoke on behalf of HAGSOC most of those views represent, but some of them do not, the views of the Australian Heraldry Society.

I am, for my sins, a lawyer and I am afraid that will come through in some of the submissions that I make to you. I have been President of the Australian Heraldry Society for, I think, about 15 years. I am a member of not only HAGSOC but quite a number of heraldry societies internationally and I am an associate of the International Academy of Heraldry. I have been a speaker and a participant in international heraldry conferences over many years.

There are just two things I would mention to start with. I think the chair made a comment listing the various states and territories that have changed their arms over the years. I may have misheard this, but I thought she said that New South Wales had changed its arms.

THE CHAIR: Yes, I did.

Mr d'Apice: That is not factually correct. New South Wales introduced the state arms act in 2004, but that was to ensure that the New South Wales arms were used as the arms of sovereignty and dominion of New South Wales and not the royal arms of the United Kingdom. It merely entrenched the New South Wales state arms; it did not change them in any way. There has been no change in New South Wales. There has certainly been a change in South Australia. I think that is probably the only one, but there may have been other changes.

THE CHAIR: Queensland, according to my research, as well.

Mr d'Apice: Right.

THE CHAIR: I would have to go back and check on that.

Mr d'Apice: New South Wales definitely has not changed. I tender some documents. I have made a submission on behalf of the society. I have brought some documents which I would ask be admitted as submissions. They are, regrettably, complex and lengthy but I have made an initial submission, which is on your website. I made a very slight amendment to clarify the position with the common seals. That has not as yet been accepted by the committee as a submission and is not up on the website, I do not think, and this is a further supplementary submission.

THE CHAIR: That is fine.

Mr d'Apice: The document that I have just submitted to you is a further supplementary submission and really, if I could just go to the end of it, the starting point for this inquiry, I would respectfully suggest, should be: what is the current coat of arms and who owns it? I think there needs to be a determination by this committee on those two things. Who granted it and who owns it? Various submissions say the College of Arms granted it and they should know what it is all about.

Firstly, the College of Arms did not grant it. The first of the annexures to the submission is the royal warrant by which King George V granted these coats of arms, not to the city of Canberra; he granted the arms to “the Federal Capital Commissioners Australia and their successors in their corporate capacity”. There can be some disagreement as to who their successors are, because the Federal Capital Commission does not exist any longer, but it is the federal government, the National Capital Commission or the Australian Capital Territory.

Quite clearly, the Australian Capital Territory is the only one that has used these arms in recent times, since the Federal Capital Commission was abolished in 1930, I think it might have been, two years after these arms were granted. The ACT 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 a very odd circumstance if the arms belonged to the commonwealth and an ACT minister could say who could use them. The arms are used by the legislature; they are on the top of legislation. They are widely used by nobody else but the ACT.

Although there may be some technical refinement between whether these arms belong to the city of Canberra, a body which does not exist and never has, or the ACT, I believe that the sole owner of these arms is the ACT. If there is any doubt about it, and whatever the outcome of this inquiry, the government of the city of Canberra should ask the minister to transfer the ownership of those arms to the ACT, pursuant to his powers under the ACT Self-Government (Consequential Provisions) Act. By the stroke of a pen he can transfer it over. He does not use it. No federal body uses it. He has got no interest in it. That way, it is totally within your control as to what

happens to it into the future.

I will follow through, if I may, on some of the concepts in the submission which I have just handed to you. Interestingly, if you look at the first page you will see in 1(a) that the current arms we are talking about—and I will call them the 1928 arms so as not to attempt to resolve the issue as to whether they are Canberra or the ACT—were granted by the King of the United Kingdom on the advice of the United Kingdom minister. They are signed at the bottom by the minister who advises.

In 1978 the Northern Territory arms were granted, and they were granted by the Queen of Australia on the advice of an Australian minister who signed at the bottom, Fred Chaney, and that is an act of the Australian sovereign in respect of a body very similar to the ACT and done by the Queen of Australia. It could be done by the Governor-General these days.

The third example—they are all attached here—is a royal warrant in 1984 by which the new South Australian arms were granted. They curiously purport to be granted by the Queen of Australia but they are on the advice of a UK minister. Clearly that is a mistaken use, because at that time—this is two years before the Australia Act—the Queen of the United Kingdom was the Queen in respect of the states, whereas the Queen of Australia was the Queen in respect of the commonwealth of Australia. It is enough to make your head spin. Really those arms for South Australia were granted by the Queen of the United Kingdom, not the Queen of Australia.

The Northern Territory is the clearest example, the closest example, to a territory belonging to the Queen of Australia and arms granted by her on the advice of her Australian ministers. That is the course of action which we would suggest be adopted, if Canberra is going to adopt a new coat of arms or change the current coat of arms.

Firstly, get title to it. I think you have got it already, but, belt and braces, get a transfer from the minister and it is yours and then set about changing it either by a royal warrant—call it that but really it would be a proclamation or a warrant issued by the Governor-General using all the powers of the Queen of Australia—or adopt new arms by the same process. It follows neatly within the law of arms of Australia.

THE CHAIR: For the record, I went back and checked my notes. It was Queensland, South Australia and Victoria, not New South Wales. Apologies for any confusion that has caused.

Mr d'Apice: Queensland?

THE CHAIR: That have changed or amended their coat of arms.

Mr d'Apice: Just as long as New South Wales is not thought to be included, as it did not.

THE CHAIR: I misread my notes; apologies for that. I just wanted to clarify.

Mr d'Apice: I nearly jumped out of the chair thinking, “What has happened?”

THE CHAIR: You heard it here first. Can I ask: have I understood correctly the position you have just put forward that the society's view is that the city of Canberra coat of arms should be adopted as a territory coat of arms and that there should just be one for the jurisdiction and then there should be a question about whether that is kept as it is or amended? Have I got that from what you have said?

Mr d'Apice: No, just a slight nuanced difference at the beginning. We believe that the 1928 arms—and we will not define what they are—are the arms of the ACT, as the corporate successor of the Federal Capital Commission.

THE CHAIR: If I have understood correctly, there is some uncertainty around that that would need to be clarified.

Mr d'Apice: There is a vague uncertainty, and no-one else should own those arms. Whether you want to change them or not, no-one else but the ACT should own those arms.

THE CHAIR: There are almost two separate questions then.

Mr d'Apice: Yes, two separate questions.

THE CHAIR: Following on from that, going to this point of a coat of arms, a lot of views have been expressed to us in the submissions we have got and the evidence that has been put before the committee that people are happy for the city of Canberra coat of arms to stay the way it is, but they like the idea of a territory coat of arms which has a broader symbolism encapsulated in it. Is there anything that you would like to say to that proposal that we have heard numerous times from people?

Mr d'Apice: We do not believe that they are limited to the city of Canberra, the 1928 arms. That just does not come out of the grant document. It has been called that over the years. The city of Canberra does not exist as a polity. It does not even have any boundaries, if you go looking in any of the legislation or determinations of geographical names of borders or anything. It is a concept, a broad, woolly concept. But these are the only arms belonging to and used by the Australian Capital Territory and, give or take the nuance of whether it is still vested in the commonwealth, these are the ACT arms. 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. We believe that that is factually incorrect.

THE CHAIR: I can see the argument.

MISS C BURCH: To clarify that, you are saying that because it does seem to you to be clear that the ACT is the owner of the city of Canberra arms, as they are known, it is not necessary for us to adopt a second coat of arms as a territory coat of arms?

Mr d'Apice: Yes.

MISS C BURCH: We could potentially change the current coat of arms?

Mr d'Apice: Yes. I have never seen a government make a submission in the way that

your government has done for this inquiry, since you will be reporting to your government the results of your—

THE CHAIR: It is quite common for the government to submit to inquiries.

Mr d'Apice: Is it?

THE CHAIR: Yes.

Mr d'Apice: But one thing they have said very clearly in that submission is that if a new coat of arms is adopted then the 1928 arms will not be used again by the ACT government, which is the only body which now uses it. That would consign those arms forever to oblivion, but they are historically important. Presumably representations of a heritage nature would be retained, but they would never be used again.

I do not think you ought to have two coats of arms. I do not think it is appropriate that the one body should have two coats of arms, unless you define different uses to which different coats of arms might be put. I cannot see what they might be. Every use to which the 1928 arms are currently put would be discontinued and the new coat of arms would be used for that purpose and there would be no place for an old coat of arms.

THE CHAIR: I know it is your view and the society's view that the city of Canberra coat of arms is the territory coat of arms, but I am trying to get my head around—we have heard a lot of conflicting evidence on this point—what clarification you have on that. You have advised that we go and get certainty of it. I am just wondering: is it through your own examination of the documents that you have come to this conclusion or is there something else that is also forming that view?

Mr d'Apice: No, We believe that it would be desirable for you, the committee, to obtain the advice of parliamentary counsel, the crown solicitor or whoever might be the appropriate authority to give you legal advice. My legal analysis of it is that the ACT is the corporate successor of the Federal Capital Commission. The way the ACT has used the arms really gives you evidence of that, and the fact that the ACT is the sole body which by legislation controls those arms.

THE CHAIR: I am also conscious of the other evidence we have received from the College of Arms that the ACT cannot use the city of Canberra coat of arms and, given your expression, I feel you probably have some comment to make on that.

Mr d'Apice: I do not believe 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.

This is a matter of Australian law. Although these arms were granted under the UK law of arms as it 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 the Australian law of arms and not by people who, frankly, would not know the difference between the ACT, the Northern Territory and New South Wales. I do not think their advice is the slightest bit helpful to you.

MISS C BURCH: And if we were to change the arms or modernise the arms, what symbolism, what elements, would you like to see included?

Mr d'Apice: The ACT is two quite separate things. It is the place of residence of a large population which did not exist in 1928. I think the census showed there were 2,800 people, and that did not count the Indigenous people. It also, quite separately, is the seat of government of a sovereign nation. When the elements that make up the current 1928 arms were selected, they were selected for their representative capacity as symbols of some concepts that were important to a national capital.

I do not think that symbolism should be lost. The current arms, I think, are well encapsulated within the Westminster system of government and there may be other symbolism which would represent the same things. But 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, for your body; the sword for justice, to represent the second branch of government; and the colours which represent the executive power. This is a matter of interest not just to Canberrans but to Australians generally. 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. I think it could be done by whatever means is selected.

MISS C BURCH: When you say it could be represented, does that mean limited to or are you saying, "Just make sure that it is incorporated into it"?

Mr d'Apice: I do not think that you are much assisted by landscape heraldry. It was very fashionable in the late 18th century. You are probably not familiar with this, but the current Roman Catholic Archbishop of Melbourne has got the typical awful landscape heraldry, which consists of some mountains in the background, a river running through the middle of it and a stag coming up to drink from it. You just cannot get all that in a coat of arms.

Simplicity—I absolutely agree with the previous submissions—is of essence in heraldry. Keep it as simple as possible. The coat of arms, by the way, is just what is on the shield. Keep it as simple as possible. I think the parliamentary mace represents the federal parliament, not this body, by the way. I may have mistakenly said that. Justice represents the High Court. This is the seat of those elements of federal power and the federal branches of government.

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. We have not turned our minds to what would be desirable to put in the arms, quite deliberately, because we thought this was a higher level report and that there would then be public engagement about what symbolism might be used.

THE CHAIR: You did go through quite a bit in your submission the public

engagement you would like to see happen if there was a discussion around a coat of arms.

Mr d'Apice: We would certainly like to see very strong Indigenous engagement, which has not occurred to date, if you judge by the submissions. There just has not been any at all. I agree with HAGSOC that the Northern Territory arms are an exemplar which should certainly be looked at. 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 that it is most important that that be the primary focus of symbols which represent you.

THE CHAIR: Going back to this idea of the federal apparatus, certainly I agree with you that it is definitely a part of the Canberra story. Is it the only part? That is the question I keep coming back to.

Mr d'Apice: I suppose, reversing the question: would you exist without it? And the answer is no, you would not have been created without it. I cannot see Canberra having spontaneously erupted on the Goulburn plains with a focus of putting the federal government here. Were it not for the hatred between Sydney and Melbourne in the 1890s, Sydney or Melbourne would have been chosen as the federal capital and not somewhere no fewer than 100 miles from Sydney.

THE CHAIR: It is a hypothetical. Rather than discussing a hypothetical, I would rather stick to looking at the idea that they are very tangible right now, yes, with the seat of the federal government. It goes back to the question: is that all we are?

Mr d'Apice: No, certainly not all that you are, but then you must select out of the many things that you are, including culture—you are the headquarters of some of the most significant cultural bodies in the country—how many of these things do you try to encapsulate by way of symbolism in a coat of arms. You must not try too hard. You will end up with a terrible mishmash of things all hurled onto it.

THE CHAIR: Can I clarify so that it is clear in my mind: you made some remarks about landscape heraldry. Have I got that correct?

Mr d'Apice: Yes.

THE CHAIR: We have heard from quite a few people, and it has been quite a strong theme in the submissions that we have had, that people would like to see elements of landscape or flora or fauna incorporated into an arms. Is it your position that that should not be the case?

Mr d'Apice: There are heraldic divisions of shields, for instance a zigzag division of a shield called indented which is often used to represent mountains, that sort of reference. I think you will see in the two flag designs that we just saw admitted in evidence by HAGSOC an indented division between the blue and the gold fields, which is intended to represent the Brindabellas. That is the sort of subtle symbolism that can take place in heraldry, certainly not mountains with bits of snow on the top of them. That is landscape heraldry. Zigzags and the like, that is symbolism. That is

perfectly acceptable.

THE CHAIR: I just wanted to clarify that in my mind.

MISS C BURCH: Finally, the motto that is on the current coat of arms, do you have any views on that, whether that should remain or how that might be changed?

Mr d'Apice: We have not applied ourselves to the elements of the coat of arms quite deliberately. The reference to the king, the queen and the crown, whatever, is clearly more contentious in the ACT than perhaps it is in other places. There is a very strong republican view in the ACT.

Clearly our system of government—and it is the three branches I was talking about earlier—is the Crown. The king in England, go back 700, 800 years, sat in the courts. He passed the laws and he administered government. It was just the one person. There are now three branches doing that, and the crown is a symbol. It just encapsulates where in our system of government all power comes from. You have the Crown, then beneath it three branches of government. You have the sovereign and the Speaker of the House, the Chief Justice and the Prime Minister for the three branches.

The crown is not an essential element of coats of arms but it recognises a reality which even in a republican form of government would exist. I think if we move to a republican form of government, I hope—and it is most likely—it will be one which will be as near as possible to the Westminster system we are used to. There will still be what we call the reserve powers of the Crown. They will not be in the Crown; they will be vested in a president or somebody like that. I think it would be almost impossible to codify them. Is that an answer to your question? Or does it address it?

MISS C BURCH: That is fine.

THE CHAIR: We are running out of time. We might wind up there. On behalf of the committee I thank you for appearing today on behalf of the Australian Heraldry Society. When available, a proof transcript will be forwarded to you to provide an opportunity to check the transcript and identify any errors in transcription. I do not believe you took any questions on notice or undertook to provide any further information. Once again, thank you for your appearance today.

Mr d'Apice: Thank you, chair and members of the committee.

HEARDER, MR DAVID
SQUIRES, MR STEVEN
HEADON, DR DAVID

THE CHAIR: On behalf of the committee, thank you for appearing today and for your written submissions to the inquiry. I remind you of the protections and obligations afforded by parliamentary privilege and draw your attention to the pink-coloured privilege statement before you on the table. Could you confirm for the record that you understand the privilege implications of the statement? Thank you. Would anyone like to make brief opening remarks?

Mr Hearder: I am here in a personal capacity. The views expressed by me here and in my written submission are my own. They are not endorsed in any way by my employer, the National Archives of Australia, or by the commonwealth government. I just have to make that clear. I wish to acknowledge and pay my respects to the Ngunnawal and Ngambri peoples, the traditional owners and custodians of this land on which we meet. I extend my respects to their elders past, present and emerging, and to all Aboriginal and Torres Strait Islander people here today.

Thank you for the opportunity to appear here today. Do the citizens of the ACT already have a coat of arms? Yes, we do, and they are already in use and regulated by the ACT authorities. There is no distinction between the city of Canberra coat of arms and that of the ACT. They are one and the same. Does the ACT need new insignia, a common emblem to represent the ACT government as a whole: the executive, this Legislative Assembly and the courts together? Simply, yes. The process by which the present arms in use were obtained was not public and not transparent, and the symbols used could hardly be described as Australian, let alone representative of, as it was then known, the Territory for the Seat of Government of the Commonwealth of Australia.

With that goal I recommend that this committee consider improving the law that governs the proper use of the ACT insignia; amending the existing coat of arms to refresh them if it is the case that this committee decides not to recommend seeking new insignia for the ACT; and, if change is recommended, above all else establishing a public, transparent and Australian process for the adoption of new insignia for the ACT, without reference to any foreign bodies such as the English College of Arms. Such deference is an affront to our national independence and identity overall and is totally unnecessary.

Public symbols and emblems of authority matter, and in a very public way. They deserve public attention and discussion. This inquiry kickstarts the public debate that actually needs to happen. Whatever course of action is taken to make new ACT insignia, our Indigenous brothers and sisters, the first Australians of this land, are a necessary part of decision-making for this to happen.

Dr Headon: I am presently co-chair of the ACT Place Names Committee and I was fortunate enough to get the gig to be the centenary of Canberra historian from 2008 to 2014. I did a book some years ago called *The Symbolic Role of the National Capital*, quite a big book. I was then working for the National Capital Authority. I have taken a

very close interest in Canberra history ever since. Terry Fewtrell and I have done a submission, which of course the committee would be aware of. I do not think there is much to add there. Terry is overseas and would otherwise have been here. He certainly makes a case, which both of us have worked on, as to why we need it. I do not think that needs any elaboration.

The only thing I would mention at the beginning is that the process that gave rise to the city of Canberra coat of arms from 1927 to 1932 was a deeply flawed process—not without humour, it must be said. As you start to pick it apart, it is very easy to deconstruct it and find its flaws. One of those flaws is that Sir John Butters, in the first instance the head of the FCC, was keen to produce something in response to the inquiry about producing the city of Canberra coat of arms because of the Royal Australian Navy's request to do so. In short—and it was a reasonably elaborate process—it certainly, as David has said, was not transparent. Indeed, it was quite the opposite, but they did have at some time a competition that had 35 entries. The problem there was that one of the judges of the competition was also an entrant and all 35 were deemed to be unacceptable.

Ultimately Butters leant on CR Wylie to produce the coat of arms we have. That is in itself fascinating, not only to deconstruct it but also to read CR Wylie's justifications for that particular coat of arms, which themselves are problematic. I am happy to answer any questions on that. The motto was referred to. It is worth noting that it was actually produced by Sir John Butters himself on the basis of a couple of mottos of English families. Even that was flawed. As we know, it reads "For the King"—or "the Queen"—"the law and the people". But Latin scholars at the time were adamant that the last one of those meant "the mob". That is probably right. I do not know Latin but I think "populi" would be the one you would produce if you wanted "the people".

Of the very considerable number of symbols involved, virtually none are relevant. The only one you would make a case for, probably, is the gum tree. It is hardly a gum tree, the one that we see there. It is a problem itself. It certainly looks like some sort of oak; I do not even know what. And also there are the swans. It is not particularly well known that CR Wylie, talking about why there is a white swan, said it was because of the White Australia policy, and many other comments that absolutely undermine any reasons why we would stick to that now.

I am certainly not here to talk about the kinds of designs that we might go to in the future. But I think, for all the reasons that Terry and I have discussed in the submission, that it is very timely for this jurisdiction to produce a coat of arms which is distinctive, which is distinctively Australian, which is distinctively of the ACT and which does us proud. It has implications. One of those implications is that the flag would change after we have a coat of arms. I can hardly wait for that to occur.

Mr Squires: While I am on the ACT branch council of the Australian Republic Movement, I am here strictly in a personal capacity. My views expressed today do not represent either the Australian Republic Movement or my employer, the commonwealth Department of Education and Training. I am here partly because of my personal views but also because I have quite an interest in design.

I have definitely noticed across all the submissions, plus the hearing today, that there

is a lot of dispute as to whether the coat of arms is the ACT's arms and whether the ACT government can even use them. I would argue that the best way is to have an ACT coat of arms and have it replace the city arms entirely. The current arms will be the historical symbol of course, but an ACT coat of arms would encapsulate it and succeed it entirely—so not having two but having one ACT coat of arms that is well defined within ACT legislation.

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. Indeed, the then Prime Minister Malcolm Turnbull in 2018, in response to a request from, I believe, the Department of the Prime Minister and Cabinet, stated that it was their understanding that any Australian or, by extension, institution can assume their own arms and that it would have equal legal and copyright weight to one that is granted formally by the London College of Arms.

I would definitely argue that the current arms are not representative of all. At the time there was dispute about the coat of arms. The then opposition leader—I believe it was James Scullin—mocked the arms, saying that it was nice that Australia was granted a whole swan and gum tree to itself amidst all this old-world imagery. In the intervening time Canberra has grown quite a lot as a city. We are no longer simply the seat of government.

None of our territory symbols—the royal bluebell, our floral emblem; the southern brush-tailed rock wallaby; and our faunal emblem, the gang-gang cockatoo—were granted. We were almost a fresh slate, but now that we have these symbols it would be very appropriate to have them in a territory arms. As we become more accustomed to, more knowledgeable 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 Ngunnawal elders council or perhaps the Ngambri equivalent if that is the decision of the ACT government.

This also opens us up to further opportunities. The ACT flag is a big one. I am a big supporter of Ivo Ostyn's bluebell modification, which has come up a few times today. Given that it was created by the same person who has, in effect, disowned the current flag for its numerous flaws, I think it would be good symbolism. The bluebell is quite well known. It is a symbol of our Assembly.

Then there are other things such as the ACT Emergency Services Agency. They use different logos that have the current Canberra city arms on them. Emergency services, Corrective Services, the Ambulance Service—each of them still uses the Canberra city arms. You could either update them to new territory arms or use this as an opportunity to have modern good symbols that adhere to good design principles.

The last part of that is the idea of rank insignia. People in the ACT Emergency Services Agency and a couple of other organisations in the ACT have what are called epaulets. They are basically pieces of board that have a unique design to reflect their position in the organisation. The reason I bring this up is that the Emergency Services Agency commissioner has one that has the Canberra city arms. So you could certainly

use this as an opportunity to explore having symbols in these that are directly recognisable by the community—for instance, having the position name listed rather than the current system, which uses a system called crowns and pips. Some of them will have a crown, especially the higher ranks, and some will have pips, which are usually a smaller symbol like a star—that has its origins in the ranking systems of militaries. It is interesting and it does have historical precedent, but is it one that the people in the ACT public would recognise, and is it relevant or useful? I do have some explanation—

THE CHAIR: Do you have some documents that you would like to table?

Mr Squires: I am testing the time limit a bit, so I will wrap it up there.

THE CHAIR: We will move to questions. I appreciate that there are some very passionate views on this topic. Dr Headon, can you run us through the symbolism that is in the city of Canberra coat of arms? Certainly the white swan is something I was not overly aware of.

Dr Headon: Sure, and I am quite happy to have it copied to the committee. First of all, there are two crowns, which, depending on one's attitude to Australia at present being a constitutional monarchy or not, are relevant or otherwise. We are aware that in the 1999 referendum, if we got any gauge on this for the ACT population it was that this jurisdiction was the highest voting pro-republic jurisdiction in the country. I think it was about 63 or 64 per cent, which is very high for any referendum. That is the only thing we can go on in the context of the population. I suspect now it might be even higher than that.

I will talk in the broadest terms. Originally it was two black swans. It was discovered that that was identical to the coat of arms for the City of Perth, a very recent coat of arms. It was decided to go with one white swan. CR Wylie, who ultimately is credited with the coat of arms that we have on the flag at the moment, the city of Canberra coat of arms, included the white swan in terms of the arrival—I forget the exact word he used—of Europeans to Australia, but also it stood for the White Australia policy. I think it is reasonable to say that virtually every Australian today would be resistant to such a symbol in any one of their coats of arms or anything else.

You have also got the portcullis. I believe I am right in saying the portcullis is from the City of Westminster, something that appears perfectly appropriate to an Australia made up of colonies pre-1901 and possibly even in Australia post federation for a decade or two or three. But it is interesting to note that Jim Scullin, the Labor Prime Minister from 1929 to 1931, said that this particular coat of arms had nothing but imported ideas. He made a derogatory comment also about the gum tree. He was against it, as were a number of people. It is interesting that Latin scholars as well were against it.

So what we have is a set of heraldic symbols which one could perhaps defend in the context of the 1920s and 1930s, but it is impossible to do so now. The rose that falls towards the bottom of the coat of arms is the rose of York. That was because the Duke of York, Bertie as we know him from *The King's Speech* film, the Queen Mother's husband, opened the parliament in 1927. That too would appear to be, to say the least,

a dated symbol for another era and certainly for generations gone by.

Mention has been made of the decision Butters made that some sort of motto was needed, whereupon he searched around, we understand individually, to come up with the one that he did. It immediately came under attack from Latin scholars of the day because of the problem with the last “et Grege”, which Latin scholars said was closer to meaning “the mob”. So even that was a part of a flawed process. It is not that we have not had flawed processes before. The naming of Canberra itself was deeply flawed. But this set of symbols for a particular period, itself so totally distant from today, was one that came under concerted attack at the time, between the late 1920s and the early 1930s. I am happy to answer on any particular element of it, but—

THE CHAIR: That is a good overview, thank you. I note the comments by you and other presenters on the panel that the symbolism may not be reflective of where we currently are, particularly with regard to some of the symbols on the crown and the monarchy. But we have also heard from a number of witnesses today that that is still a part of our history. How do you see the two being balanced?

Dr Headon: As Terry Fewtrell and I have indicated in our submission, there is no problem there. The element of the narrative that I am sympathetic to is the Naval Association saying that the HMAS *Canberra* was sunk in 1942 with, as we know, 84 lives lost and that it is an important symbol for them. That is easily addressed. I am a lover of history, as probably everyone in this room is. The city of Canberra coat of arms would take its place for particular—and I am not expert on this—ceremonies where it pertained directly.

In this instance, however, we are talking about the ACT as the only jurisdiction in the country that does not have a coat of arms. So what we would be exploring—and I am by no means an expert; indeed, I am quite the opposite in terms of how we would come up with it, albeit that I might have a few ideas on that—is the opportunity in the 21st century, as distinct from the first two or three decades of the 20th century, to come up with a coat of arms that reflects the ACT constituency of today. With so many progressive elements to it, this seems to me to be one more that is so important.

The monarchical symbols take their place in our history. Even Paul Keating talked about that. He felt that if Australia had become a republic in 1999 that would have actually firmed up the connection. I find myself sympathetic to that argument, to the historic and cultural connections to Great Britain and specifically to England. I think that, if and when we come up with an ACT coat of arms, the two will sit nicely side by side and the development of the city coat of arms, which, as people know, has its own distinctive narrative, will simply take its place as one part of our history on the way to an ACT coat of arms.

Mr Header: Much of the historical detail that David and Steven have been referring to is in my submission and the attachments. A lot of people are certainly not across it, because there is an awful lot of detail. So please hunt that up if you are interested in the detail.

MISS BURCH: We heard from the previous presenter that if we were to keep two coats of arms, to have the city of Canberra one alongside a territory coat of arms, they

would need to have distinct purposes; otherwise there is no real reason for doing that. Do you want to expand a bit on whether you would support that outcome?

Mr Hearder: Is this a general question?

MISS BURCH: Yes.

Mr Hearder: I am happy to say something on that. We probably all are.

Dr Headon: Yes.

MISS BURCH: Or would your preference be to modify the city of Canberra coat of arms to become the territory coat of arms, instead of having two?

Mr Squires: I am definitely and strongly in support of that. As some submissions and speakers have alluded to, there will be a lot of confusion if the ACT government says, “Hey, we’re going to have two coats of arms.” A lot of the public reaction will be, “Why don’t we use just one?” I think it is reasonable that, in the event that we have an ACT coat of arms, we have it well defined in legislation and have it replace the existing arms.

Another thing, which I would call a ticking clock element, is that the ACT’s current coat of arms says “For the Queen, the law and the people”. In the event that Queen Elizabeth passes away and Prince Charles becomes King, that will have to change to “For the King, the law and the people”, and all the current uses of the ACT coat of arms—government letterheads, the logo that it is publicly using, the agency logos and all of that—are going to have to change. The ACT government will not be able to cost this in a predictable way, because she could pass away in five years or she could pass away tomorrow.

In addition, this problem will not go away. After the Commonwealth Heads of Government Meeting in Perth in, I believe, 2013 the rules of succession changed so that the oldest child, no matter what their gender, would take the throne upon their parent passing. So you have a 50 per cent chance that every time the monarch changes, the gender will change. So you would have to change it back from “For the King” to “the Queen” and then “the King”. It is a cost that you would not be able to exactly predict easily.

Mr Hearder: The purpose of the existing arms that are in use is not actually stated anywhere. If it was a bit clearer to the public the purpose to which the executive puts it, and the Legislative Assembly and the courts, we would be much better off. The best place for that is in the control of the Legislative Assembly: legislation. That would make it very much clearer.

For a new insignia, I do not necessarily accept that you need a coat of arms. You can just have insignia. What is more medieval than a triangular shield and helmet? I mean, this is the 21st century. You can separate the purposes by saying, “The existing arms we use for this purpose. These other arms”—or whatever you want call them; I call them insignia—“are going to be used for this,” and make a positive statement about what they are separately used for. It is pretty straightforward. I do not think the ACT

executive actually achieves that at this point in time.

Dr Headon: My sense is that at this moment the city of Canberra coat of arms, which effectively masquerades as the ACT one, is an embarrassment in the 21st century. That is not to put it down; it is to say that it is a fascinating historical artefact. Once it becomes that and it is removed and is no longer the ACT's coat of arms, then you can start thinking in terms of its historical interest. The rose of York is one example, and the connection to 1927. But as it stands at the moment it is an embarrassment to this community in 2019. I think the sooner we can produce an innovative, adventurous, well-researched and artistic ACT coat of arms, the better we will be. Necessarily, for me, that would not just replace the present city of Canberra coat of arms but also necessitate a change of the flag.

THE CHAIR: Dr Headon, you mentioned—correct me if I have misunderstood—that you saw a role for the current city of Canberra coat of arms in commemorative events to do with HMAS *Canberra*. In the context of the comments you just made, can you clarify where you stand on that?

Dr Headon: I had not really thought about the particular role it would take were it to become the historical artefact that I have alluded to. But one could only think that in terms of, for example, the naval association, the military past or the commemoration of the Federal Capital Territory's or the Australian Capital Territory's past it takes its place.

In, I think, 2014 there was a very small exhibition at the Canberra Museum and Gallery of some of the material that came to the fore from 1927-28 through to that endorsement in 1932. That is the kind of role that I would see. In other words, at particular historic moments for the ACT it would be produced. One of my pet gripes is that so many of the elements in our national institutions do not get enough exposure to the public. This would be something that would take on interest for the public. That is the kind of role I would see: a commemorative role, as distinct from the specific role that it would take on as an expression of a progressive people in 2019 and beyond.

One of the best parallels would be the Australian Constitution. Even in our lifetime, certainly in my lifetime, there have been numerous attempts to question and potentially to alter the Australian Constitution. As often as not, that has been resisted on the basis that it has virtually been seen as the Ten Commandments by prime ministers et cetera. It is worth noting that back in 1890s the most significant individuals involved in creating the Constitution said that it would be up to every generation to address it. I am not for a moment saying that that should be the case with the new ACT coat of arms. But I am saying that in the 21st century it is very timely indeed, as an expression of this particular place, that we come up with an ACT coat of arms that everyone identifies with, certainly future generations.

MR MILLIGAN: Do you think that citizens of the ACT are educated enough in heraldry to be able to contribute to, let's say, a popular vote on elements to possibly include in the new coat of arms? If not, how would you educate or how could you educate society on what heraldry is and what is important and what should be considered?

Mr Squires: In my personal opinion, if you have a public vote and you have a small number of good candidates, each that ticks the boxes of what makes a heraldically good design, what the public basically expects from a coat of arms, then you have the public decide. You have a committee made up of eminent designers, experts in heraldry, experts in design across the territory and you narrow your candidates to a small set that, if any of them were adopted as a symbol, they would stand up on their own merits. I think that would be the best way of doing that to, I guess, balance between popular mandate and expertise.

Mr Header: Heraldry is an interesting historical subject to have a look at in detail. It is incredibly diverse, complex and with lots of exceptions. Would you necessarily need the public to know the ins and outs of all of that to decide what designs might be useful for the public to adopt or acclaim? Probably not. Would you need heraldic experts to draw something up for that? Maybe. But I would contend: why be constrained by laws of arms, design straightjackets? As one of your earlier witnesses suggested, 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.

Dr Headon: I will just go back for a moment. In the 1890s again, when they already had a national Australasian convention in 1891, which was a brilliant gathering of individuals, they were still not quite sure how the process would go. The breakthrough came in 1893, basically when Sir John Quick, at Corowa, at the Corowa convention, the people's convention, down on the Murray, established basically the way the process would run through to the constitutional conventions of 1897 and 1898. I do not want to get too carried away here, but I think that is actually quite a good lesson in this context.

Looking at the submission that Terry Fewtrell and I did—and we tried to think of the way in which it would run—one part of that, and it picks up your question, James, is that I believe it is really important to have that process outlined and publicised. It is equally important that there is finally an expert panel agreed on—that would not be too hard—of the right kind of people. I am thinking of designers et cetera, a heraldry person and so it goes on, involved in finally looking at a short list and making the decision on that short list.

On the way to that, all sorts of adventurous possibilities are available to the Assembly; for example, involving the children of the ACT, across the schools, high schools et cetera, all sorts of organisations. Ask as many as possible but have the time line set so that you are not getting inundated. Ultimately it comes down to a panel making a recommendation and finally to the ACT Assembly on a simple vote.

We know that the Australia Act 1986 was important. I too, like my co-panellists, am not particularly set on thinking that heraldic principles are utterly crucial. I think having input from people who are expert on heraldry principles would be very interesting to get people thinking about the kinds of designs that might be put in. Finally, the ownership of this process would be the people of the ACT—the design talent, if you like, and indeed, the historical and cultural talent of the people of the ACT, with the broadest input that we can get, including of course heraldry principles because they are interesting, on the basis of the last 500 years. Let us have a think about that.

MR MILLIGAN: When we talk about consulting the community and asking the community for feedback on what they think would be good to see in a coat of arms, would it better that we consult and go through the community on the themes that we need to cover: our Indigenous people, European settlement, our levels of government and so forth? Do we say, “These are the themes that we need to cover and that would be best suited to or are typical in a coat and arms. What elements or symbols do you suggest would meet those symbols?” Then we get a better scope of what typically is in a coat of arms.

Dr Headon: Can I comment on that? It is not only a worthy idea; it is the way we have to go, from my point of view, purely personal, providing it is not: “These are elements that must be in.” Do you know what I mean? In other words, that is why you should have the heraldry people along to actually educate the people, because a potential designer or designers may want to take those things on board or may not. We want it to be, in a sense, a free and open process. If you are going to go into this seriously, the Assembly would be saying, “Then you might want to consider these things.”

It is in our submission that the Assembly might well want to—I think it would be an excellent idea—have one, two, three public sessions where things were just talked about so that any potential individuals or groups who are going to be participating in the process and putting in an entry, or more than one entry, are aware, alert, to the fact that these things are happening. And you build excitement in that process.

To some small extent, I think the mammal that was recently suggested gave you a taste of what is possible in this process to get people fired up. That is what you would be looking to do. The more the Assembly could do on that to promote it in that positive way to get maximum involvement and a maximum number of entries, the better. That is the way to go.

THE CHAIR: There was a comment made about the flag. Would anyone like to make comment on the flag?

Mr Squires: I have previously commented that I think Ivo Ostyn has a really good proposal. I think that it ticks all the boxes. I think in the event that we have an ACT coat of arms it would be a perfect. It has already been promoted in the community and it seems to be getting some traction. I see David has a bluebell flag sticker on his—

Dr Headon: I do. I brought one in. We all know what we are talking about. We are talking about that flag.

Mr Squires: That is the one, yes. It has been called the bluebell flag. For disclosure, I promote the design because I think it is quite a good design.

Dr Headon: As I said about the flawed process, I think it is fascinating that not only was it so deeply flawed in the late 1920s and the early 1930s, but even Ivo, when it came to his particular design, was gazumped on it and the coat of arms was inflicted on this design, much to his displeasure. That too takes its place in what I continue to say, which is that people will write about this in the future but it was a really

fascinating process, I would like to think, on the way to the ACT coat of arms. I certainly think that Ivo Ostyn's involvement in that earlier one makes him a prime candidate for suggesting designs or perhaps this design for a future flag.

To finish that off, I think that necessarily we have to change the flag. There might well be citizens of the ACT who feel it is going to be terribly expensive. The ideal would of course be that, in terms of the ACT government proceeding, things would be slowly but surely changed. That is easily done. You will find at the end of the day that it is not particularly an economic issue. It would be relatively straightforward, with common sense. I know the Assembly has got plenty of that.

Mr Squires: I want to make one quick closing remark regarding people using the crown, saying that the crown symbolises sovereignty. I would mention that the crown is not the exclusive symbol used for sovereignty in Australia. The Australian coat of arms uses the federation star, which has traditionally been used. Funnily enough, that generally monarchist institution, the ADF, has a badge which actually has a federation star on the top, and not a crown.

Dr Headon: Can I say one last thing?

THE CHAIR: Okay.

Dr Headon: It is coming directly from what Steven just said. If anyone wants to recoil and the input comes in, "You can't change; you can't change," it is worth noting that the Australian coat of arms changed between 1908 and 1911, I believe, and that Andrew Fisher—and I will be speaking about Andrew Fisher in London later this year—as our fifth Prime Minister was at pains to investigate and explore Australian symbols for the Australian nation. It is great to have that too as a part of our instruction about coats of arms in this context.

THE CHAIR: We are out of time now. On behalf of the committee, I thank you all for appearing today. When available, a proof transcript will be forwarded to you to provide an opportunity to check the transcript and identify any errors in transcription. I do not believe that anyone undertook to provide further information or took questions on notice, so we do not need to worry about deadlines for those. If you have tabled documents, please make sure a copy has been provided to the secretary. With that, the hearing is now adjourned. On behalf of the committee, I thank all the witnesses who appeared today.

The committee adjourned at 4.41 pm.