

EXPLANATORY STATEMENT

Issued by the Authority of the Cabinet Secretary
Flags Act 1953
Proclamation under the *Flags Act 1953*

The *Flags Act 1953* provides for the Australian National Flag, and also provides that the Governor-General may, by proclamation under section 5 of the Act, appoint such other flags and ensigns of Australia as he thinks fit.

The Australian Defence Force Ensign represents the three services of the Australian Defence Force.

A proclamation was made by the Governor-General on 14 April 2000 recognising the ensign (described in the Schedule) under section 5 of the *Flags Act 1953* as the ensign of the Australian Defence Force and to be known as the Australian Defence Force Ensign.

The Schedule described the Australian Defence Force Ensign as divided vertically into units, the left third being dark blue (symbolising the Royal Australian Navy), the centre third being Red (symbolising the Australian Army) and the right third being light blue (symbolising the Royal Australian Air Force). Superimposed centrally and intersecting the other thirds, in gold, is the Joint Service emblem. The Joint Service emblem incorporates the emblems traditionally representing the three Services: an anchor (representing the Royal Australian Navy); superimposed on the anchor are crossed swords (representing the Australian Army); and superimposed on the crossed swords is an eagle (representing the Royal Australian Air Force). The seven-pointed Commonwealth Star rests on a wreath directly above, and supported by, the group of service emblems, and a boomerang (symbolising Australia) is placed horizontally directly below the group of Service emblems supporting and unifying all the emblems.

Due to an administrative oversight, the proclamation was not lodged in accordance with the requirements of the *Legislative Instruments Act 2003* to ensure it remained in force. Consequently, the proclamation was automatically repealed on 1 October 2006.

This proclamation replaces the original proclamation to ensure that the Australian Defence Force Ensign continues to be recognised in all Australian states and territories as the ensign of the Australian Defence Force. It has effect from 1 October 2006.

Due to the instrument being machinery in nature consultation was not necessary.

The retrospective nature of the proclamation is not considered to affect the rights of, or liabilities imposed on, any individual to the individual's disadvantage.