

## **EXPLANATORY STATEMENT**

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

The *Flags Act 1953* (the Act) 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 White Ensign is flown from the stern of naval vessels. The Australian National Flag is flown from the bow.

A proclamation was made by the Governor-General on 1 March 1967 recognising the ensign (described in the Schedule) under section 5 of the *Flags Act 1953* as the ensign of the Royal Australian Navy and to be known as the Australian White Ensign.

The Schedule described the Australian White Ensign as a white flag with the Union Jack occupying the Upper White Quarter next the staff, with a large dark blue star (representing the six states of Australia and the Territories of the Commonwealth) in the centre of the lower quarter next the staff and pointing direct to the centre of the St. George's Cross in the Union Jack, and five dark blue stars (representing the Southern Cross) in the fly or half of the flag further from the staff. The dimensions and positions of the stars are the same as the dimensions and positions of the stars in the Australian National Flag described in the first schedule to the *Flags Act 1953*.

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 Consequently, the proclamation was automatically repealed on 1 January 2008.

The new proclamation replaces the original proclamation to ensure that the Australian White Ensign continues to be recognised in all Australian States and Territories as the ensign of the Australian Navy. It has effect from 1 January 2008.

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.