

## **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 Aboriginal Flag was first raised on 12 July 1971, National Aborigines' Day, at Victoria Square in Adelaide. The flag was designed by Mr Harold Thomas, an Aboriginal artist from the Northern Territory.

A proclamation was made by the Governor-General on 14 July 1995 recognising the flag described in the Schedule as the flag of the Aboriginal peoples of Australia and a flag of significance to the Australian nation generally, and appointing the flag under section 5 of the *Flags Act 1953* as the flag of the Aboriginal peoples of Australia and to be known as the Australian Aboriginal Flag.

The Schedule described the Australian Aboriginal Flag as dividing horizontally into halves, the upper half being black (symbolising the Aboriginal peoples) and the lower half being red (symbolising both the Australian soil and the ochre, a substance used by Aboriginal peoples at their ceremonies). A yellow disk (symbolising the sun) is superimposed centrally on the black and red halves of the flag.

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 Consequently, the proclamation was automatically repealed on 1 January 2008.

This proclamation replaces the original proclamation to ensure that the Australian Aboriginal Flag continues to be an official flag of Australia. 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.