

## **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 Torres Strait Islander Flag was adopted in May 1992 during the Torres Strait Islands Cultural Festival. The design of the Torres Strait Islander Flag was the winning entry in a competition organised by the Island Coordinating Council. Its origin is attributed to the late Mr Bernard Namok of Thursday Island.

A proclamation was made by the Governor-General on 14 July 1995 recognising the flag described in the Schedule as the flag of the Torres Strait Islander people of Australia and a flag of significance to the Australian nation generally. The proclamation appointed the flag under section 5 of the *Flags Act 1953* as the flag of the Torres Strait Islander people of Australia and to be known as the Torres Strait Islander Flag.

The Schedule described the Torres Strait Islander Flag as divided horizontally into three stripes by thin black lines (representing the Torres Strait Islander people), the upper and lower stripes being green (symbolising the land) and the central stripe being blue (symbolising the sea). Superimposed centrally on the blue stripe are a white *dhari* (a headdress, symbolising the Torres Strait Islander people) and, enclosed by it, a five-pointed white star (symbolising both a star used for navigation by the Torres Strait Islander people and the five Torres Strait Island groups, its colour symbolising peace).

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 Consequently, the proclamation was automatically repealed on 1 January 2008.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