

STATE FLAG BILL 2006

Receipt and First Reading

Bill received from the Assembly; and, on motion by **Hon Barry House**, read a first time.

Second Reading

HON BARRY HOUSE (South West) [7.32 pm]: I move -

That the bill be now read a second time.

The purpose of this bill is to provide to the Western Australian flag the legal status that it deserves, and to ensure that this Parliament recognises the historic and cultural significance of the flag to all Western Australians. This bill was originally introduced by Hon Colin Barnett, MLA, in 2004 and passed through the Legislative Assembly with bipartisan support. Unfortunately, it lapsed in the Legislative Council when Parliament was prorogued on 23 January 2005. The Legislative Assembly has recently, again, dealt with the bill expeditiously and it would be appropriate for the Legislative Council to complete its consideration of this bill before Foundation Day this year in the interests of protecting our state symbol.

For more than 130 years, the flag has been the pre-eminent emblem of Western Australia, marking out our state and our history as distinct from the rest of Australia. The flag has links to our indigenous people, our early explorers and our history as a British colony and continues to endure as an important part of Western Australia's cultural heritage.

The Western Australian flag features a depiction of a black swan, one of Western Australia's most important historical icons. The use of the black swan to symbolise and distinguish Western Australia predates Federation and is a unique part of our history as a distinct settlement with its own traditions. Black swans are native to Australia and are found throughout the country. However, they were marked out as a special emblem of Western Australia thanks to our early explorers and settlers. In particular, the Dutch explorer, Willem de Vlamingh, who explored the lower reaches of the Swan River in 1697, named the river for the black swans he found there. The colour of the swans was of curiosity to the Dutchman, who had only experienced the white swans of Europe.

Western Australia's official free settlement was established on the banks of the Swan River in 1829. It was called the Swan River Settlement. The black swan is an important link to those early days. It appeared on Western Australia's first postage stamp issued in 1854. In the 1830s it was used on bank notes, on the *Swan River Guardian* newspaper first published in 1836, and on the first issue of the Western Australian *Government Gazette*, also published in 1836. The black swan is especially significant to Aboriginal people, and is a part of many different legends and dreamtime stories among different tribes. In Western Australia, there is apparently a story that tells of how the family ancestors from part of the Bibbulmun tribe were black swans who had been changed into men. The black swan remains important to this day. It is a central part of the state coat of arms, appearing on the shield. The black swan was declared Western Australia's bird emblem in 1973 and is used to this day to represent all manner of things that are Western Australian. It is therefore fitting that the black swan is featured on our state flag.

The Western Australian state flag is a British blue ensign with the state badge of the black swan on a yellow disc. Apart from a minor change in 1953 when the direction of the swan was changed to face the staff, our state's flag has remained virtually unchanged since it was adopted in 1870. That we recognise the flag as the state flag of Western Australia is a historical convention as the flag has never been declared as our state flag by law. As one of our most important symbols, the flag deserves to be recognised by this Parliament and declared by law as the definitive flag for Western Australia. The Australian flag was given legal status by the Commonwealth Parliament in the Flags Act 1953. The Western Australian flag deserves similar status.

This is a simple bill that gives the design of the Western Australian state flag legal recognition and protection so that it cannot be altered without the agreement of Parliament. This is provided for in clause 4, which declares the flag as described in the schedule as the Western Australian state flag. This description takes the same form as the declaration of the Australian national flag in the Flags Act, which involves both a written description and pictorial representation. Western Australians are proud of their heritage and share the strong bonds of community. Our flag is a symbol of our shared history, culture and identity, which have been forged through triumph and adversity. Our flag represents the pride we have in the achievements of all Western Australians and it is appropriate that this Parliament give recognition to our most important Western Australian emblem.

This bill does not address the issue of flag desecration. It is evident from recent events that Australians hold strong views about whether an act of desecration should be regarded as free speech or a criminal offence. That is a matter to be dealt with separately. Each year during the Australia Day celebrations, there is debate about the flag, both national and state. This year was no exception, when an alternative design of the Western Australian

flag was put forward. In the event that there is a desire to change it, there must be a formal and proper process to follow. This bill establishes that process and allows the Parliament to recognise the flag and its place in Western Australia's culture and history.

I hope that members support the bill's quick passage through Parliament and that the State Flag Act 2006 will be law by Foundation Day on the 1 June. I commend the bill to the house.

Debate adjourned, pursuant to standing orders.