

EXPLANATORY MEMORANDUM

FLAGS PROTECTION BILL 2003 (E192)

(Introduced by Mr Barnett MLA)

There is currently no statutory provision which recognises the Western Australian State Flag, a flag which has been in use since prior to 1870.

Moreover, there is currently no statute, either State or Commonwealth, which protects the Australian National Flag or the Western Australian State Flag from being publicly burnt or otherwise physically mistreated.

This Bill remedies that situation by declaring a flag to be the Western Australian State Flag and protects both that flag and the Australian National Flag from acts of physical desecration which are intended to, or cause, offence to members of the public.

- Clause 1 relates to the Short Title.
- Clause 2 provides for the enactment to commence operation on the day on which it receives the Royal Assent.
- Clause 3 provides a definition of both the Australian National Flag and the Western Australian State Flag.
- Clause 4 declares the flag described and reproduced in the Schedule to be the Western Australian State Flag.
- Clause 5 creates a prohibition on any person burning, damaging or otherwise physically mistreating the Australian National Flag and the Western Australian State Flag in a manner which is intended to offend or which could be reasonably expected to, and in fact, offends any other person.