



Implementing the State Arms, Symbols & Emblems Act 2004

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Background

The *State Arms, Symbols and Emblems Act 2004* came into effect on 1st March 2004. The Act defines Royal Coats of Arms and State Coats of Arms as “part of the constitutional, legal, cultural and artistic heritage of the State”.

The Act prohibits the use of the State Arms or state symbols for commercial purposes without the authority of the Governor or the Attorney General. Use of the Royal Arms is similarly restricted by other protocols.

Many examples of the Royal Arms and State Arms on buildings and seals have been created with a high degree of craftsmanship and artistry, and have high levels of historical, social and aesthetic significance for the people of New South Wales.

What are the basic requirements of the Act, and what is the role of the Heritage Council?

The Act requires all Royal Arms in State-owned buildings to be replaced, as soon as practicable, by the State Arms or a state symbol. This applies whenever the arms or symbol are being used to signify the authority of the Crown in right of New South Wales or the State of New South Wales. It does not apply where the Royal Arms are used for historical or heritage purposes.

Where the Royal Arms **form an integral part** of a heritage item, the Premier may, after consulting with the Heritage Council, decide that the Royal Arms can remain, but the State Arms must also be displayed in a prominent position.

All Royal Arms are to be removed from seals and documents, where they are used to signify the authority of the Crown in right of New South Wales or the State of New South Wales,

and replaced by the State Arms or a state symbol by the 1st March 2007.

The Premier may, after consultation with the Heritage Council, decide where and how removed Royal Arms are to be housed and cared for.

How do you know if a place displaying the Royal Arms, or the Royal Arms is a heritage item?

Check to see whether the place, object, seal or arms is listed in your heritage and conservation register, the State Heritage Register, the National Heritage List, a local environmental plan, or any other statutory heritage list.

Check to see whether the place, object, seal or arms has been identified in a heritage study of any sort, or if any community or professional representations have been made concerning the heritage values of the place, object or arms.

Check to see whether the place, object, seal or arms has been listed on a community heritage list, such as the National Trust Register, the Royal Australian Institute of Architect's list of twentieth century buildings, the Institution of Engineers heritage list, the Professional Historians' Association heritage register, or has a plaque associated with it on account of its heritage values.

Commission a heritage assessment of the affected place, object, seal or arms.

How do you seek advice before removing any Royal Arms?

Premier's "Circular 2004-23" gives the following guidance to agencies considering the removal of arms:

1. all agencies should review their operations to see whether any arms should be changed;
2. any changes should be introduced gradually to ensure that additional costs are minimised or avoided;
3. replacing Royal Arms in non-heritage places should be undertaken when refurbishments or structural alterations are being made;
4. all costs for changing arms have to be met from existing resources for proposed building works.

The agency CEO needs to advise the Minister where Royal Arms form an integral part of any heritage item controlled by their agency, and to set out reasons for the retention of the Royal Arms. Such reasons might include the heritage listing of the place, object, seal or arms, or a heritage assessment of the place, object, seal or arms as being of heritage significance.

The Minister is then to advise the Premier in writing so that the Premier may consult with the Heritage Council. No arms should be removed until this advice has been received by the agency.

Prior to removing significant Royal Arms, the agency CEO must advise the Minister how the Royal Arms are to be housed, conserved and interpreted (for any arms in a sculptured, durable or other movable form). The Minister is then to advise the Premier in writing so that the Premier may

consult with the Heritage Council as to the most appropriate ways of housing, conserving and interpreting the removed arms. No arms should be removed until this advice has been received by the agency.

What is to be done with removed Royal Arms?

Removed arms are to be properly housed and conserved. They are not to be disposed of in an *ad hoc* manner. Generally, the following prioritisation for housing and conserving removed arms will form the basis of any Heritage Council advice to the Premier on this matter.

If the arms are assessed as being of state or national significance, they should be:

1. retained by the agency as part of its movable heritage collection, managed in accordance with a Heritage Council endorsed collections management policy, and housed in the same building for a historical or heritage purpose; or
2. offered to a State collecting institution, as defined in section 3 of the *State Records Act 1998*, or offered to State Records NSW, for inclusion in their collections or holdings; or
3. offered to a state-wide or peak body of a constitutional, legal, cultural or artistic organisation for historical or heritage purposes including conservation, display and exhibition.

If the arms are assessed as being of local or regional significance, they should be:

1. retained by the agency as part of its movable heritage collection, managed in accordance with a Heritage

Council endorsed collections management policy, and housed in the same building for a historical or heritage purpose, or at the least housed under the care and control of the agency in the locality or region to which they are of significance; or

2. offered to a relevant local government authority to conserve and display in premises under their care or control for historical or heritage purposes including conservation, display and exhibition; or
3. offered to a local or regional collecting institution, or to a constitutional, legal, cultural or artistic organisation operating locally or regionally, for historical or heritage purposes including conservation, display and exhibition;
4. in the event that none of the above can be achieved, the arms may be offered for public sale through a reputable auction house with demonstrated experience in dealing with culturally important objects.

If the arms are assessed as having no significance, they should be:

1. offered for public sale through a reputable auction house with demonstrated experience in dealing with culturally important objects.

The disposal of removed Royal Arms should be reported upon in the agency's annual report. The agency should give the Heritage Council not less than 14 days written notice before disposing of removed arms.

General advice on replacement State Arms

Where Royal Arms are replaced by State Arms, whether in, or on, heritage items or non-heritage places and objects, the replacement arms should be:

- of similar dimensions, materials and craftsmanship to the removed arms;
- fixed using the same fixing points as for the removed arms, and should convey the same sense of dignity and official status conveyed by the removed arms.

Where State Arms are to be installed in conjunction with existing Royal Arms, expert advice on possible installation locations and methods should be sought from the Heritage Office as early as possible during the planning stages, before any decisions are made.

Requirements under the Heritage Act for obtaining approvals from the Heritage Council for any works to an item listed on the State Heritage Register or subject to an interim heritage order are not voided or otherwise overcome by the operation of the State Arms, Symbols and Emblems Act. Similarly, requirements under the *Environmental Planning and Assessment Act 1979* for obtaining approvals from a local council for any works to an item listed on the schedule of a local environmental plan or a draft schedule are not voided or otherwise overcome by the operation of the State Arms, Symbols and Emblems Act.

Keeping a record of housing, conserving and disposing of removed arms

A record should be made of all Royal Arms and State Arms identified by an agency for the purposes of the act. This will help the agency respond to points one and three of the Premier's Circular, and can form a component of the agency's

heritage and conservation register prepared and maintained under the Heritage Act.

A record of each coat of arms should be made using the heritage data form (available from the Heritage Office), and include at least one photograph of the arms in their location before removal or relocation. Completed heritage data forms for each coat of arms should be lodged with the Heritage Office Library, which will maintain the forms as a record of official arms in New South Wales, and made available in the Library for public inspection. Advice received by the Heritage Council on the conservation, management and disposal of arms will be included in the record as it is received.

Management recommendations, as provided for in the heritage data form, should be carefully considered and completed, and be consistent with this guideline.