



Heraldry By-law 2026

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A By-law for the practising of heraldry and to establish the Australian Heraldic Authority, and for related purposes

Part 1—Preliminary

1 Short title

This By-law may be cited as the *Heraldry By-law 2026*.

2 Commencement

This By-law commences on 1 March 2026.

3 Object

The object of this By-law is to:

- (a) allow for the granting of Arms,
- (b) encourage the public discussion of Arms,
- (c) promote the creation of an Australian Heraldic Authority.

4 Definitions

In this By-law:

Arms includes Badges and all heraldic devices.

Australian Herald means the Australian Herald established under section 26.

Authority means the Australian Heraldic Authority established under section 38(1).

Commonwealth means the Commonwealth of Australia.

Unlisted Herald means the Unlisted Herald appointed under section 7.

House of the Parliament means the Senate and the House of Representatives of the Parliament of Australia.

Unlisted Arms means the Arms of the association.

5 Definition of Minister

The Chairman-General may, by order, identify a Minister responsible for the Australian Heraldic Authority.

6 Definition of Secretary and Department

The Chairman-General may, by order, identify a Secretary and Department responsible for the Australian Heraldic Authority.

Part 2—Unlisted Herald

7 Appointment of Unlisted Herald

The Chairman-General may, by order, appoint an Unlisted Herald.

8 Functions of Unlisted Herald

The functions of the Unlisted Herald are to:

- (a) deal with heraldry in the association with due regard also to Vexillology and Genealogy;
- (b) advise the Board on the granting of Arms;
- (c) maintain a register known as the Register of Unlisted Arms;
- (d) establish and maintain other such registers, inventories, and indices as may be required in connection with the good maintenance of the Register of Unlisted Arms;
- (e) promote the association's heraldic, vexillological and genealogical heritage;
- (f) grant Arms, by order, in accordance with section 10;
- (g) maintain, manage, and control the application process for people desirous of acquiring or registering Arms;
- (h) publish guidelines on the provision of heraldic services; and
- (i) promote participation in collaborative heraldic, vexillological, or genealogical projects.

9 Unlisted Herald may represent association

The Unlisted Herald may represent the association with respect to the Herald's functions.

10 Unlisted Herald may grant Arms

- (1) The Board may delegate, by order, to the Unlisted Herald certain functions of granting Arms.
- (2) The delegation order must specify what class of Arms the Unlisted Herald may grant.

11 Term of office

The Unlisted Herald holds office for such term, not exceeding 10 years, as specified in the appointment order, but is eligible for re-appointment.

12 Vacancy in office of Unlisted Herald

- (1) The office of Unlisted Herald becomes vacant if the holder:
 - (a) dies; or
 - (b) completes a term of office and is not re-appointed; or
 - (c) resigns the office by writing to the Chairman-General; or
 - (d) declares to the Board, at any time, that they are incompetent; or
 - (e) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit; or
 - (f) becomes a mentally incapacitated person;
 - (g) is convicted in New South Wales of an offence that is punishable by imprisonment for 12 months or more or is convicted elsewhere than in New South Wales of an offence that, if committed in New South Wales, would be an offence so punishable; or
 - (h) is removed from office under section 13.
- (2) If the office of Unlisted Herald becomes vacant, a person is, subject to this By-law, to be appointed to fill the vacancy.

13 Removal of office of Unlisted Herald

The Chairman-General may remove the Unlisted Herald from office, but only for:

- (a) incompetence, or
- (b) incapacity, or
- (c) misbehaviour.

14 Member of association

The Unlisted Herald must be a member of the association prior to appointment under section 7.

15 Attendance of Board meetings

If the Unlisted Herald is not a member of the Board, the Unlisted Herald may attend Board meetings as an observer if the Board meeting relates to the Unlisted Herald's functions.

16 Acting Unlisted Herald

- (1) The Chairman-General may, from time to time, appoint a member of the association to act in the office of the Unlisted Herald during any period, or during all periods, when the Unlisted Herald:
 - (a) is absent from duty; or
 - (b) is, for any reason, unable to perform the duties of the office.
- (2) The Chairman-General may, at any time, remove a person from the office of acting Unlisted Herald.

17 Delegation

The Unlisted Herald may delegate any of his or her functions (other than this power of delegation) to a member of the association.

18 Language

All matters are to be conducted in the English language.

19 Seal

The Unlisted Herald may have a seal and use the seal to seal or stamp any documents relating to the Unlisted Herald's functions.

20 Use of Unlisted Arms

The Unlisted Herald is authorised to use and grant the use of the Unlisted Arms.

Part 3—Australian Herald

Division 1—Establishment and functions of the Australian Herald

21 Establishment of Australian Herald

There is to be an Australian Herald.

22 Functions of the Australian Herald

- (1) The functions of the Australian Herald are:
 - (a) to provide advice to the Minister in relation to Australian heraldic, vexillological and genealogical heritage;
 - (b) to inform the public about the matters mentioned in paragraph (a);
and

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- (c) to promote and safeguard heraldic, vexillological and genealogical heritage as an intrinsic part of Australian heritage;
 - (d) participate and promote participation in international collaborative heraldic, vexillological or genealogical projects, and to enter into agreements with similar bodies;
 - (e) compile, publish and distribute with or without charge books, magazines, journals, reports or other printed matter, including audio, visual, and digital material as may be appropriate;
 - (f) publish guidelines on the provision of heraldic services and to establish and maintain standards in the preparation and depiction of Arms and Flags;
 - (g) guide, advise, warn and consult, particularly where arms unofficially in use may not be conducive to the harmonious rules of heraldry and/or vexillology, and to offer solutions;
 - (h) devise and grant new Arms, both personal and corporate;
 - (i) grant Arms by Letters Patent in accordance with this By-law;
 - (j) register other Arms, in accordance with this By-law;
 - (k) any function that:
 - (i) is conferred on the Australian Herald by this By-law or by any other law of the Commonwealth; or
 - (ii) is incidental or conducive to the performance of the above functions.
- (2) The Australian Herald must, before the end of each calendar year beginning or after 1 January 2030, prepare and give the Minister a report on Australia's heraldry.
- (3) The Minister must table the report in each House of the Parliament as soon as practicable after receiving the report.
- (4) The Australian Herald must, as soon as practicable after the report is tabled in the House of Representatives, publish the report on the Department's website.

23 Establishment and functions of advisory committees

- (1) The Minister may establish, in writing, advisory committees to advise the Australian Herald in relation to the performance of the Australian Herald's functions.
- (2) The Minister may determine, in relation to an advisory committee:
 - (a) the committee's terms of reference; and

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- (b) the terms and conditions of appointment of the members of the committee; and
 - (c) the procedures to be followed by the committee.
- (3) In performing the Australian Herald's functions under this Part, the Australian Herald must have regard to any relevant advice given to the Australian Herald by an advisory committee.
 - (4) Subsection (3) does not, by implication, limit the matters to which the Australian Herald may have regard.

24 Members of advisory committees

- (1) Each member of an advisory committee is to be appointed by the Minister by written instrument.
- (2) A person may only be appointed as a member of an advisory committee if the Minister is satisfied that the person has appropriate qualifications, knowledge or experience.
- (3) A member of an advisory committee is not an official of the Department for the purposes of the *Public Governance, Performance and Accountability Act 2013* (Cth).
- (4) A member of an advisory committee is to be paid the remuneration that is determined by the Remuneration Tribunal.
- (5) A member of an advisory committee must act in an impartial and independent manner in relation to the giving of advice to the Australian Herald.
- (6) A member of an advisory committee may resign from the committee by giving the Minister a written resignation.
- (7) The resignation takes effect on the day it is received by the Minister or, if a later day is specified in the resignation, on that later day.
- (8) The Minister may terminate the appointment of a member of an advisory committee:
 - (a) for misbehaviour; or
 - (b) if the member is unable to perform the duties of a member of the committee because of physical or mental incapacity.
- (9) The Minister may terminate the appointment of a member of an advisory committee if:
 - (a) the member:
 - (i) becomes bankrupt; or

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- (ii) applies to take the benefit of any law for the relief of bankrupt or insolvent debtors; or
 - (iii) compounds with the member's creditors; or
 - (iv) makes an assignment of the member's remuneration for the benefit of the member's creditors; or
- (b) the member fails to comply with subsection (5) (which deals with giving advice in an impartial and independent manner).

25 Ministerial directions

- (1) The Minister may, by legislative instrument, give the Australian Herald directions about the way in which the Australian Herald is to carry out the Australian Herald's functions.
- (2) The Australian Herald must comply with a direction under subsection (1).

Division 2—Administration

26 Appointment

- (1) The Australian Herald is to be appointed by the Minister by written instrument, on a full-time basis.
- (2) The Australian Herald holds office for the period specified in the instrument of appointment. The period must not exceed 5 years.
- (3) A person may only be appointed as the Australian Herald if the Minister is satisfied that the person has appropriate qualifications, knowledge or experience.

27 Acting appointments

- (1) The Minister may, by written instrument, appoint a person to act as the Australian Herald:
 - (a) during a vacancy in the office of the Australian Herald (whether or not an appointment has previously been made to the office); or
 - (b) during any period when the Australian Herald:
 - (i) is absent from duty or from Australia; or
 - (ii) is, for any reason, unable to perform the duties of the office.
- (2) A person may only be appointed to act as the Australian Herald if the Minister is satisfied that the person has appropriate qualifications, knowledge or experience.

28 Remuneration

The Australian Herald is to be paid the remuneration that is determined by the Remuneration Tribunal.

29 Leave of absence

- (1) The Australian Herald has the recreation leave entitlements that are determined by the Remuneration Tribunal.
- (2) The Minister may grant the Australian Herald leave of absence, other than recreation leave, on the terms and conditions as to remuneration or otherwise that the Minister determines.

30 Engaging in other paid work

The Australian Herald must not engage in paid work outside the duties of the Australian Herald's office without the Minister's approval.

31 Other terms and conditions

The Australian Herald holds office on the terms and conditions (if any) in relation to matters not covered by this By-law that are determined by the Minister.

32 Resignation

- (1) The Australian Herald may resign the Australian Herald's appointment by giving the Minister a written resignation.
- (2) The resignation takes effect on the day it is received by the Minister or, if a later day is specified in the resignation, on that later day.

33 Termination of appointment

- (1) The Minister may terminate the appointment of the Australian Herald for:
 - (a) misbehaviour; or
 - (b) if the Australian Herald is unable to perform the duties of the Australian Herald's office because of physical or mental incapacity.
- (2) The Minister may terminate the appointment of the Australian Herald if:
 - (a) the Australian Herald:
 - (i) becomes bankrupt; or
 - (ii) applies to take the benefit of any law for the relief of bankrupt or insolvent debtors; or
 - (iii) compounds with the Australian Herald's creditors; or
 - (iv) makes an assignment of the Australian Herald's remuneration for the benefit of the Australian Herald's creditors; or

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- (b) the Australian Herald is absent, except on leave of absence, for 14 consecutive days or for 28 days in any 12 months; or
 - (c) the Australian Herald engages, except with the Minister's approval, in paid work outside the duties of the Australian Herald's office; or
 - (d) the Australian Herald fails, without reasonable excuse, to comply with section 29 of the *Public Governance, Performance and Accountability Act 2013* (Cth) (which deals with the duty to disclose interests) or rules made for the purposes of that section.

34 Application of finance law etc.

- (1) For the purposes of the finance law (within the meaning of the *Public Governance, Performance and Accountability Act 2013* (Cth)), the Australian Herald is taken to be an official of the Department.
- (2) The Secretary, when preparing the Department's annual report under section 46 of the *Public Governance, Performance and Accountability Act 2013* (Cth) for a period, must include information in that report about the performance of the Australian Herald's functions, and the exercise of the Australian Herald's powers, during the period.

35 Arrangements relating to staff of the Department

- (1) The staff assisting the Australian Herald are to be APS employees in the Department whose services are made available to the Australian Herald, by the Secretary, in connection with the performance of any of the Australian Herald's functions.
- (2) When performing services for the Australian Herald, the persons are subject to the directions of the Australian Herald.

36 Other persons assisting the Australian Herald

- (1) The Australian Herald may also be assisted by employees of Agencies (within the meaning of the *Public Service Act 1999* (Cth)) whose services are made available to the Australian Herald in connection with the performance of any of the Australian Herald's functions.
- (2) When performing services for the Australian Herald, the employees are subject to the directions of the Australian Herald.

37 Consultants

- (1) The Australian Herald may, on behalf of the Commonwealth, engage consultants to assist in the performance of the Australian Herald's functions.
- (2) The consultants are to be engaged on the terms and conditions that the Australian Herald determines in writing.

Division 3—Australian Heraldic Authority

38 Establishment

- (1) There is to be an Australian Heraldic Authority.
- (2) The Authority consists of the Australian Herald and the staff referred to in section 35.

39 Functions

The function of the Authority is to assist the Australian Herald in performing the Australian Herald's functions.

Division 4—Miscellaneous

40 Delegation

- (1) The Minister may, in writing, delegate the Minister's powers under sections 27(1) or 29(2), to:
 - (a) the Secretary of the Department; or
 - (b) an SES, or an acting SES employee, in the Department.
- (2) The Australian Herald may, in writing, delegate all or any of the Australian Herald functions or powers under this Act to a person who:
 - (a) is:
 - (i) a member of the staff assisting the Australian Herald as mentioned in section 35(1); or
 - (ii) a person whose services are made available to the Australian Herald as mentioned in subsection 36(1); and
 - (b) holds or is acting in an Executive Level 2 position, or an equivalent or higher position.
- (3) In performing a delegated function or exercising a delegated power, the delegate must comply with any written directions of the Minister or Australian Herald, as the case requires.