

Thing 001635 (Australian Coat of Arms)

On May 7, 1908, following the federation of Australia in 1901, the first official coat of arms of Australia was granted by King Edward VII. The coat of arms was inspired by the 1805 Bowman Flag. On September 19, 1912, the coat of arms was changed when King George V granted the design which remains until today. *Australian Coat of Arms* consists of a shield composed of six parts, each containing a symbol for one of the state. The shield is supported by two animals, the kangaroo on the left and the emu on the right. The crest consists of the seven-pointed Commonwealth gold star, a symbol of national unity. At the base of the shield is a scroll on which is printed the word Australia depicted on a background of sprays of golden wattle.

On January 27, 2002, in front of television cameras Kevin Buzzacott, an elder from the Arabunna people, removed the sculptured bronze Australian coat of arms from the western pillar outside the Old Parliament House in Canberra and took it to the Aboriginal Tent Embassy. Aboriginal Tent Embassy is an embassy set up since 1972 by indigenous activists on the lawn of the Old Parliament. Buzzacott reclaimed his tribes' Emu and Kangaroo totems. He argued that the Commonwealth had never asked permission of indigenous peoples to use the totem animals Emu and Kangaroo in the coat of arms. Buzzacott said he was compelled to do this as an Arabunna elder and a custodian of heritage: "How can the custodian steal what Arabunna law says he must protect and what has been appropriated from his people?"

Buzzacott was charged with theft. Buzzacott's lawyer claimed that the court was not entitled to exercise sovereignty over the descendants of the first inhabitants of Australia and further no jurisdiction due to the court association, and that of all Australian judges, with the crime of genocide in respect of the Commonwealth Government's 2002 International Criminal Court Act. Furthermore, on January 30, 2002, indigenous leaders in Australia lodged a writ in the High Court to prevent the Commonwealth from using depictions of the kangaroo and the emu on Australian' coat of arms, on any state property, or in any state publication. Wadjurlarbinna Nulyarimma said indigenous people have a duty of care for native animals and make sure they

were plentiful, a care which extended to the use of their images. Because indigenous from Australia consider these animals to be sacred, they perceive the use of them in promoting the Australian state to be detestable. On June 1, 2004, an indictment accused Kevin Buzzacott of theft. On September 17, 2004 the court case *Queen v. Buzzacott* took place at the Supreme Court of the Australian Capital Territory (ACT) in Canberra. Judge Connolly held that:

"[...] It is clearly not possible, in a court established pursuant to the constitution, being a court created to exercise part of that sovereignty vested in the Crown [...] to challenge the sovereignty of the court. [...]"

Kevin Buzzacott appealed. On March 1, 2005 the court case *Queen v. Buzzacott* took place at ACT Court of Appeal in Canberra. Judge Gray held that:

"[...] In any event, for the appeal to proceed on the matters sought to be agitated, it would constitute an unnecessary fragmentation of the criminal trial process. [...]"

On April 5, 2005, Buzzacott was forcibly arrested at the Aboriginal Tent Embassy. On April 6, 2005, the court case *Queen v. Buzzacott* took place at the Supreme Court of ACT in Canberra. Buzzacott told the jury, he did not steal the bronze plaque and that he was simply reclaiming what was rightfully his. Addressing the jury, Buzzacott's lawyer Len Lindon stated:

"[...] Buzzacott, pleaded not guilty to stealing the coat of arms [...] Mr Buzzacott (and other indigenous people) say their lands were taken without their consent, their laws overridden and their cultural objects taken without consent.[...]"

Prosecutor Jon White said :

"[...] We say it is nonsense to say that Aboriginal people have some kind of copyright in these animals. [...]"

The jury found Buzzacott guilty of stealing the coat of arms and he was given a 12-month good behaviour bond.