

**Keywords:** *Flag, ANZAC, Australia, Commonwealth, Harmony, Reconciliation, Queen, NAIDOC, Citizenship, United Nations, Remembrance*

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| <b>Corporate Plan:</b>         | N/A  |
| <b>Classification:</b>         | <i>Executive Services – Public Relations – Flag Flying Policy</i>  |
| <b>First Issued/Approved:</b>  | <i>27<sup>th</sup> May 2008</i>  |
| <b>Review Frequency:</b>       | <i><u>Good Governance Practice:</u> Annually</i>   |
| <b>Last Reviewed:</b>          | <i>8 August 2017</i>   |
| <b>Next Review Due:</b>        | <i>2018</i>  |
| <b>Responsible Officer(s):</b> | <i>CEO</i>   |
| <b>Council File Reference:</b> | <i>Council Policies (P)</i>  |
| <b>Applicable Legislation:</b> | <ul style="list-style-type: none"> <li>• <i>Flags Act 1953 (Commonwealth)</i></li> <li>• <i>State Proclamation 1904</i></li> <li>• <i>“Australian Flags” booklet, Commonwealth of Australia 2006 (reprinted 2010)</i></li> </ul> |
| <b>Relevant Policies:</b>      | <i>Code of Conduct Council Employees; Code of Conduct Elected Members and Committee Members</i>  |
| <b>Related Procedures:</b>     | <i>Performed in conjunction with above Legislation</i>   |
| <b>Delegations:</b>            | <i>Berri Barmera Council Delegations Register (as applicable)</i>  |

### Purpose

This policy has been created, as flags, by their very nature, are the symbol of a nation, state or organisation and it is important for the Council to be aware of, and comply with the appropriate principles and flag flying hierarchy in a diligent and proactive manner.

The Berri Barmera Council will fly flags on civic property owned by the Berri Barmera Council as an expression of Council's governance responsibilities and will ensure that the flags displayed are acknowledged with due diligence, dignity and attention to position.

The Berri Barmera Council will, where practicable and subject to asset capabilities, have a preference for the *provision* of a maximum of three (3) flagpoles at each of its civic properties. The timing for the provision of the flagpoles is subject to budget constraints.

### Principles

The purpose of this policy is two-fold:

1. To identify the protocols used for flying flags under Council's care and control
2. To provide operational guidelines for flying flags under Council's care and control.

## **FRAMEWORK FOR POLICY**

### ***When to display a flag***

Flags may be flown for the purpose of governance if they are:

- A recognised national flag (pursuant to the Commonwealth Flags Act 1953, including subsequent proclamations);
- The South Australian state flag (State Proclamation 1904);
- Council's corporate image and brand;
- Approved by specific resolution of council.

### ***Hierarchy***

The hierarchy for flying flags on council property is as follows: (the following is dependent upon the number of flag poles erected in any one location)

1. Where there is only one (1) flagpole displayed at a council property, the Australian national flag is flown.
2. Where there are two (2) flagpoles displayed at a council property, the Australian national flag and the Aboriginal and Torres Strait Islander flags are flown.
3. Where there are three (3) flagpoles displayed at a council property, the Australian national flag, the Aboriginal and Torres Strait Islander flag, and the Berri Barmera council logo flag are flown.
4. Where a specific council resolution approves the display of another flag, normally that flag will be flown in place of the Berri Barmera council logo flag; except where otherwise permitted by council (assuming that three flag poles are erected at the desired location)
5. Where declared by the Commonwealth or State government, a special flag or flags may be flown. When council receives advice on such "special declarations" by the government then the Berri Barmera council flag would be replaced with the special flag(s) (assuming that three or more flag poles are erected at the desired location)

### ***Guidelines to display the Australian national flag (as determined under national protocols)***

Ensure that when flown on council properties, the national flag is:

- Hoisted as the premier flag, and flown on the furthest left flagpole from an observer's point of view when facing the council property.
- Not flown when it is damaged, faded, or dilapidated.
- Not smaller than any other flag or ensign.
- Proper protocols are observed on national commemorative days (as recognised under national protocols) and other dates as determined under council resolution.

*Refer Attachment 1 for further Protocols for flying the Australian National Flag)*

### ***Guidelines to display the Aboriginal and Torres Strait Islander Flags***

The Australian Aboriginal flag was proclaimed as a flag of Australia under Section 5 of the Flags Act 1953 (14 July 1995). Mr Harold Thomas, an Aboriginal elder, was later recognised as the designer of the Aboriginal Flag by the Federal Court and was given a backdated copyright to the design in 1971. In 1998, Mr Thomas awarded an exclusive licence for the manufacture and marketing of Aboriginal flags, banners and bunting to Carrol and Richardson Flags.

The Australian Aboriginal flag is not a privately controlled and commercialised product, but rather, it is a proclaimed flag of Australia that differs from other flags of Australia in that the individual holder of the copyright of the design is recognised.

Any commercial use of the Australian Aboriginal flag would be subject to the restrictions imposed by the Harold Thomas copyright and licence agreement.

The Berri Barmera Council will fly the Aboriginal and Torres Strait Islander Flags during Reconciliation and NAIDOC weeks and at any other key indigenous events.

***Special Dates when Flags are to be flown (including at half mast)***

*Refer Attachment 2 for a list of special days of commemoration for the flying of flags including when flags should be flown at half-mast.*

The Commonwealth Flag Network (of which Council is a subscriber to) provides email notification to Council when all flags must be flown at half-mast. Such notices will be received for example, in the event of a death of a member of the royal family or death of the Governor-General. When lowering the Australian National Flag from a half-mast position, it should first be raised briefly to the peak, then lowered ceremoniously.

When flying the Australian National Flag with other flags, all flags flying should be flown at half-mast. The Australian National Flag should be raised first and lowered last.

The Berri Barmera Council will fly all flags at half-mast on the following dates:

- Remembrance Day – 11<sup>th</sup> November
- Anzac Day – 25<sup>th</sup> April

***Other Occasions where the Australian National Flag is displayed***

The Australian National Flag is displayed at all citizenship ceremonies to promote greater public awareness of its national symbol.

It should also be noted that the National flag, Aboriginal flag and Berri Barmera council flag are all permanently displayed in the council chamber.

***Responsibility***

The Chief Executive Officer is responsible for the nature of all flags under the council's care and control that are flown on council's civic properties.

***DELEGATED LOGISTICAL RESPONSIBILITY***

The logistical responsibility to carry out flag flying procedures (including monitoring) to ensure the flagpoles/flags are in good care and condition will be assigned accordingly by the Chief Executive Officer to the Manager Community Development Services and/or Manager for Infrastructure Services, dependent upon the location of flagpole sites. The Manager for Infrastructure Services and/or Manager Community Development Services will be responsible for the flagpoles situated at the civic centre.

### ***Responsibility of community and non-council groups***

Care and control of the flagpoles and flags on facilities leased to community and non-council groups, non-council owned property etc is the responsibility of the building/facility owner/lessee. The council's flag flying procedures should be suggested as a basis on which to determine their own policy.

### ***Other Information***

The key drivers for the flag policy relating to 'governance' are the following:

- The Commonwealth Flags Act 1953 and relevant Proclamations.  
*(This Act formally identified the Australian National Flag, as well as the Aboriginal and Torres Strait Islander Flags (proclaimed in July 1995) as "Flags of Australia").*
- The South Australian State Flag was authorised by a State Proclamation in 1904 as the State Flag of South Australia.  
*(It has not been proclaimed as a 'flag of Australia' under the Flags Act 1953).*
- The Aboriginal Flag
- The need to give due recognition to the Berri Barmera Council's Logo and Branding
- The need to vary standard arrangements from time to time as per the advice of the Commonwealth Flag Network.

*Further information or clarification on flag flying protocols can be accessed at*

*<https://www.pmc.gov.au/government/its-honour>*

*<https://www.pmc.gov.au/government/australian-national-flag/flag-network>*

## **APPENDIX**

Appendix 1 - Protocol for Flying Australian National Flag

Appendix 2 - Special days for flying flags

***Electronic version on the Intranet is the controlled version.  
Printed copies are considered uncontrolled.  
Before using a printed copy, verify that is the current version.***

**PROTOCOL FOR FLYING AUSTRALIAN NATIONAL FLAG:**

- The Australian National Flag should only be flown at night if illuminated.
- Order of preference to be: Australian National Flag, nation flag of other nations, state and territory flags, other Australian flags prescribed by the Flags Act 1953 eg Australian Aboriginal flag and Torres Strait Islander flag, ensigns and pennants
- When flying the Australian National Flag and any other flags in a line of flagpoles the Australian National Flag should always be flown on the far left of a person facing the flags.
- The placement of other flags after the National Australian flag is generally determined by the number of people they represent within the council area.
- When flying the Australian National Flag with other flags in a line of flagpoles, the order of the flags should follow the rules of precedence eg the Australian National Flag should always be flown on the far left of a person facing the flags, or in the centre where there are three (3) flag poles and the centre pole is higher. Note that no other flag should be flown above a national flag.
- In a semi-circle of flags, the Australian National Flag should be in the centre.
- The flag should not be allowed to fall or lie on the ground.
- The flag should not be used to cover a statue, monument or plaque for an unveiling ceremony, to cover a table or seat or to mask boxes.
- The flag should not be flown when in a damaged, faded or dilapidated condition.
- The flag should not normally be flown in a position inferior to that of any other flag or ensign.
- The flag should not be smaller than that of any other flag or ensign.
- The flag should be raised briskly and lowered with dignity.
- The flag should always be flown aloft and free as close as possible to the top of the flag mast, with the rope tightly secured.
- The flag should be raised no earlier than first light and should be lowered no later than dusk.
- Two flags should not be flown from the same flagpole.
- The flag should not be flown upside down, not even as a signal of distress.

## **PROTOCOL FOR FLYING AUSTRALIAN NATIONAL FLAG AT HALF-MAST:**

- Flags are flown in the half-mast position as a sign of mourning.
- When flying the Australian National Flag with other flags, all flags in the set should be flown at half-mast. The Australian National Flag should be raised first and lowered last.
- To bring the flag to the half-mast position, the flag must first be raised to the top of the mast (the 'peak'), then immediately lowered slowly to the half-mast position. An acceptable position would be when the top of the flag is a third of the distance down from the top of the flagpole.
- When lowering the flag from a half-mast position, it should first be briefly raised to the peak, then be lowered ceremoniously.
- Under no circumstances should a flag be flown at half-mast at night – even when illuminated.

**SPECIAL DAYS FOR FLYING FLAGS:**

The following days of commemoration are identified below:

| DATE                    | OCCASION  | COMMENTS  |
|-------------------------|---|---|
| 1 January               | Anniversary of the establishment of the Commonwealth of Australia     |   |
| 26 January              | Australia Day   |   |
| Second Monday in March  | Commonwealth Day  |   |
| 21 March                | Harmony Day   |   |
| 25 April                | Anzac Day   | Flags are flown at half mast until noon then at the peak until the usual time for closure of business |
| 27 May to 3 June        | National Reconciliation Week  | Torres Strait Islander flag and the Aboriginal flag flown.  |
| Second Monday in June   | Celebrated as the Queen's Birthday                                    |   |
| First full week in July | NAIDOC Week   | Torres Strait Islander flag and the Aboriginal flag flown.  |
| 3 September             | Australian National Flag Day  |   |
| 17 September            | Citizenship Day   |   |
| 24 October              | United Nations Day  |   |
| 11 November             | Remembrance Day   | Flags are flown at half-mast from 10:30am to 11:02am.   |
| Other - various         | Funerals (Applicable to residents / former residents of the district) | At request and discretion of Mayor  |

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