

Flag Flying Policy

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Corporate Plan:	N/A
Classification:	<i>Executive Services – Public Relations – Flag Flying Policy</i>
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Review Frequency:	<i>This policy will be reviewed every four years, or as required.</i>
Last Reviewed:	<i>October 2023</i>
Next Review Due:	<i>2027</i>
Responsible Officer(s):	<i>Chief Executive Officer</i>
Council File Reference:	<i>Council Policies (P)</i>
Applicable Legislation:	<ul style="list-style-type: none"> • <i>Flags Act 1953</i> • <i>State Proclamation 1904</i> • <i>Australian Flags booklet, Australian Government, Department of the Prime Minister and Cabinet</i>
Relevant Policies:	<i>Code of Conduct Council Employees; Code of Conduct Elected Members and Committee Members</i>
Related Procedures:	<i>Performed in conjunction with above Legislation</i>
Delegations:	<i>Berri Barmera Council Delegations Register (as applicable)</i>

1. 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.

2. Definitions

Flag Protocols	means the Flag Protocols issued by the Department of the Prime Minister and Cabinet, as varied from time to time.
Council	means Berri Barmera Council
CEO	refers to the Chief Executive Officer (including their delegate) of the Berri Barmera Council

3. Principles

The purpose of this policy is two-fold:

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

4. Policy Statement

4.1. 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 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 Australian National Flag takes precedence in Australia over all other flags when it is flown in company with other flags. *the following is dependent upon the number of flag poles erected in any one location.*

When flown in the community the order of precedence of flags is:

1. The Australian National Flag
2. National flag of other nations
3. State and territory flags
4. Other flags prescribed by the Flags Act 1953

including:

- the Australian Aboriginal Flag and the Torres Strait Islander Flag in either order and;
- the Defence ensigns which should be flown in the following order:
 - the Australian Defence Force ensign
 - the Australian white ensign
 - the Royal Australian Air Force ensign.

Note: The Australian Aboriginal Flag and the Torres Strait Islander Flag should be flown on additional flagpoles, where available, next to or near the Australian National Flag on Australian Government buildings and establishments. If there is only one flagpole

available, the Australian Aboriginal Flag and the Torres Strait Islander Flag should not replace the Australian National Flag.

If there are two flagpoles available, it is at the discretion of the authority concerned to determine which flag should be flown with the Australian National Flag.
(Information provided by Australian Government Department of the Prime Minister and Cabinet.

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.

Guidelines to display a flag under specific resolution of Council

Council supports civic engagement and encourages local participation in causes which are important to the community. It is therefore recognised that on occasion, flags are used to support, symbolise, or raise awareness of a cause. Requests will be considered by Council from non-political and non-commercial community organisations in recognition of special events and/or causes.

Organisations wishing Council to fly their flag must apply in writing to the Chief Executive Officer and include the following information:

- A colour example of the design

- Preferred dates of display
- Detail the relevance or significance of the flag to the Berri Barmera Council
- Contact details of the person responsible for supply and collection of the flag.

To note: a Council resolution to allow display of an alternative flag does not constitute Council's endorsement or support of a specific cause. Conversely a resolution to not allow display of an alternative flag does not constitute Council's opposition to such cause.

As an alternative to flying a cause related flag the Berri Barmera Council's preference may be to utilise the LED Light/Projection display as a means to support civic engagement.

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. Flags flown in half mast position are a sign of mourning. 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 – 11th November
- Anzac Day – 25th 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, State 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 Growth and Activation Manager and/or Manager for Infrastructure and Operations, dependent upon the location of flagpole sites. The Manager for Infrastructure and Operations and/or

Manager Growth and Activation 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 Flags Act 1953 and relevant Proclamations.
(This 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/sites/default/files/resource/download/australia-flag-booklet-fa-accessible.pdf>

APPENDIX

Appendix 1 - Protocol for Flying Australian National Flag

Appendix 2 - Special days for flying flags

Appendix 1

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 e.g. 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.

Appendix 2

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
26 May	National Sorry Day	National Sorry Day remembers and acknowledges the mistreatment of Aboriginal and Torres Strait Islander people who were forcibly removed from their families and communities
27 May to 3 June	National Reconciliation Week	Torres Strait Islander flag and the Aboriginal flag flown.
12 June	Celebrated as the King's Birthday	
Nominated 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 the peak from 8:00am, at half-mast from 10:30am to 11:02am and at the peak again from 11:02am until the usual time for closure of business.
Other - various	Funerals (Applicable to residents / former residents of the district)	At request and discretion of Mayor

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