

# Flying of Flags Policy

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Adoption Date:  
**20 August 2010**

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Review Date:  
**13 March 2019**

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Version:  
**3**

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Responsible Department:  
**Administrative Services**

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TRIM Document Number:  
**D00758816**

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## Objective

This policy identifies the basis upon which Council enables the flying of flags in public locations throughout the City. It also gives guidance with respect to flags flown as an expression of Council's governance responsibilities, including the requirements for the flying of flags at half-mast.

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## Related legislation

*Flags Act 1953*

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## Policy Statement

Randwick City Council recognises the significance of certain flags connected to its governance responsibilities and will utilise designated flagpoles within the City to fly such flags. The flags that are to be flown permanently pursuant to this policy are the Australian National Flag, State Flag of New South Wales, Aboriginal and Torres Strait Islander Flags and the Randwick City Council Flag.

Flags flown in response to Council's governance responsibilities will be flown in accordance with the relevant legislation and protocol guidelines in force at the time.

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# Flying of flags under Council's care and control – procedure

## 1. Purpose

The purpose of this procedure is to:

1. Identify the protocols used for flying flags under Council's care and control.
2. Provide operational guidelines for flying flags under Council's care and control.
3. Identify flag pole locations (illuminated and non-illuminated) and the flags flown at each site.
4. Identify Council Departments authorised to implement flag protocols in accordance with this procedure.

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## 2. Background information

Council has adopted the protocols outlined in the "Australian Flags" Booklet, Commonwealth of Australia 2006.

This procedure incorporates the decision of Council made on 22 November 2005 as follows:

- *that Council allocate in the 2006-2007 budget, funds to cover the cost of erecting five flagpoles outside the administration building on Frances Street. For the purpose of flying every day, the Australian, the Aboriginal, the Torres Strait and either the State or Council's own flag.*

A decision was subsequently made administratively to fly all five of the abovementioned flags permanently and have the area illuminated to facilitate this.

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## 3. Protocols

### 3.1. Protocols and use of the Australian National Flag

Protocols for flying the Australian National Flag including flying the flag at half-mast, are provided in Appendix A and B (developed in accordance with the Australian Flags Booklet, Commonwealth of Australia 2006).

The Commonwealth Flag Officer from the Department of Prime Minister and Cabinet advises that the Australian National flag may be used for commercial or advertising purposes without formal permission, subject to published guidelines.

### 3.2. Protocols and use of 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. 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 Torres Strait Island flag, designed by Islander Mr Bernard Namok, was adopted in 1992. The Federal Government initiated steps in 1994 to give the flag legal recognition. After a period of public consultation, the Government decided in July 1995 that the flag should be proclaimed a "Flag of Australia" under section 5 of the Flags Act 1953. The flag was so proclaimed by the Governor General of Australia, William Hayden, on 14 July 1995.

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## 4. Randwick City Council operating procedure

### 4.1. Flags flown at Randwick City Council Administration Building (illuminated flagpoles)

This location is provided with five flagpoles and will fly the Australian National Flag, the NSW State Flag, the Australian Aboriginal Flag, the Torres Strait Island Flag and the City of Randwick Flag on a permanent basis.

### 4.2. Flags flown at Council non-illuminated flagpoles

The following locations fly the Australian National Flag on Australia Day only:

- Maroubra Beach, Coogee Beach, High Cross Reserve Randwick, Bob Clarke Memorial Park, Malabar and Kingsford Roundabout.

Other locations may be added by resolution of Council.

The following location flies the Australian National Flag on the Bali Family Remembrance Day only:

- Cromwell Park, Malabar Beach.

The following location flies;

- the Australian National Flag, Australian Aboriginal Flag, French National Flag and the NSW State Flag on special occasions (such as Bastille Day, Queens Baton Relay etc).
- the Australian National Flag and Australian Aboriginal Flag may be flown for other events (such as Indigenous events etc).
- La Perouse.

*Note - the National Australian flag may only be flown at night when illuminated.*

### 4.3. Special dates when flags are to be flown at half-mast

The Protocol Unit of the Department of Premier and Cabinet's Office provides Notices to Council when all flags must be flown at half-mast. This is carried out at all illuminated flag pole locations where the Australian National Flag is flown as identified in this procedure.

When lowering the Australian National flag from a half-mast position, it should first be raised briefly to the peak, and then lowered ceremoniously.

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.

The following dates of mourning where flags are flown at half-mast are identified below:

- 11 November – Remembrance Day – Flags should be flown at the peak from 8am to 10.30am, at half-mast from 10.30am to 11.02am and moved back at the peak from 11.02am until the usual time for closure of business.
- 25 April – Anzac Day – Australian National Flag to be flown at half-mast till noon then at the peak until the usual time for closure of business.

Additional Notices received by fax from the Protocol Unit of the Department of Premier and Cabinet that request that flags must be flown at half-mast e.g. death of a member of the royal family, death of the Governor-General, death of a distinguished Australian citizen etc. will be carried out at Council's Administration building.

The Aboriginal Flag will be flown at half-mast (at the discretion of the General Manager) upon the death of, and on the day of the funeral of, an esteemed local elder following a request from the local Aboriginal Land Council. The Administrative Services Department will advise the appropriate officers when this protocol applies.

The Randwick City Council Flag will be flown at half-mast (at the discretion of the General Manager) upon the death of, and on the day of the funeral of, a deceased employee, Councillor, Local State or Federal MP or community leader. The Administrative Services Department will advise the appropriate officers when this protocol applies.

#### **4.4. Other occasions where the flag is displayed**

- The Australian National Flag and the Australian Aboriginal Flag are displayed in the Council Chamber for Council meetings.
- The Australian National Flag and the Australian Aboriginal flag are displayed at all citizenship ceremonies to promote greater public awareness.

#### **4.5. Care and control of flag pole/flag**

- The City Services Division is responsible for the control of all flags under Council's care and control.
- Flags flown under Council's care and control should never be flown when in damaged, faded or dilapidated condition.
- The care and control of the flag pole/flag on non-council owned buildings is the responsibility of the building owner. Council's flag procedure is a suggested basis on which to encourage the owner to determine their policy.
- Questions regarding protocol should be directed to the Manager Administrative Services.

#### **4.6. Flying flags of other Countries**

Council may consider flying the national flags of other countries during Council sanctioned visits by dignitaries of the country at the discretion of the General Manager. The Administrative Services Department will advise the appropriate officers when this protocol applies.

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## A. Protocol for flying of flags

- The Australian National flag should only be flown at night if illuminated.
- Order of precedence – Australian National Flag; national flag of other nations, state and territory flags, other Australian flags prescribed by the Flags Act 1953 e.g. 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 City.
- 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 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 etc.
- The flag should not be flown when in 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 ceremoniously.
- 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.

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## **B. Protocol for flying of flags 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, and then lowered ceremoniously.
- Under no circumstances should a flag be flown at half-mast at night, whether or not the flag is illuminated.

Additional notices from the Protocol Unit from the Department of Premier and Cabinet's Office that request that all flags be flown at half-mast will also be carried out.

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