



# Flag Flying Policy

<b>Responsible Officer</b>	Chief Executive Officer
<b>Relevant Delegations</b>	Director Corporate Services
<b>Legislation and References</b>	Local Government Act 1999 Flags Act 1953 (Commonwealth)

## 1 Introduction

The purpose of this Policy is to provide a consistent approach to flying flags in Council's care and control, to ensure compliance with relevant protocols and to provide operational guidelines for the flying of flags.

Flags by their very nature, are the symbol of a nation, state or organization and it is important for the Council to be aware of, and comply with the appropriate principles and flag flying hierarchy in a diligent proactive manner.

The Clare & Gilbert Valleys Council will fly flags 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.

This Policy does not cover flag poles or flags flown by third parties in Council memorial areas (eg RSL).

## 2. Legislation

Flags Act 1953 (Commonwealth) – *This Act formally identified the Australian National Flags as well as the Aboriginal and Torres Strait Islander Flags (Proclaimed in July 1995) as Flags of Australia.*

State Proclamation 1904 – *The South Australian State Flag was authorised by a State Proclamation 1904 as the State Flag of South Australia.*

"Australian Flags" booklet, Australian Government 2022 – *Further information or clarification on flag flying protocols can be accessed at <https://www.pmc.gov.au/government/australian-national-flag>.*

## 3. Application

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);

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Other National and State flags may be flown, on occasion, at the discretion of the Chief Executive Officer and in line with directions of the Government Protocol Office.

## 4. Locations

Council will install and maintain the following governance flag poles:

- In the garden at the front of the Clare Office, 4 Gleeson Street, Clare (2 flag poles)
- In the garden at the front of the Clare Public Library, Old North Road, Clare (2 flag poles)
- In the garden at the Saddleworth Library and Community Centre, 19 Belvidere Road, Saddleworth (2 flag poles)

## 5. When to Display a Flag and Hierarchy

Council will, where practicable:

- Continuously fly an Australian National Flag and the Australian Aboriginal Flag on the flag poles in the above locations (Clare Office, Clare Library & Saddleworth Library)
- Fly other flags as required.

Where declared by the Commonwealth and / or State Government, a special flag may be flown.

Flags will be flown during office hours.

## 6. Protocols for Flying the Australian National Flag and the Australian Aboriginal Flag

Ensure that when flown on Council properties, the flags are:

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- Not flown when damaged, faded or dilapidated.
- Not smaller than any other ensign.
- The flagpoles should be of identical height.
- Two flags cannot be flown from the same flagpole.
- The flag may only be flown at night if it is illuminated.
  
- Unless all flags can be raised and lowered simultaneously, the Australian National Flag should be raised first and lowered last when flown with other flags.
- Proper protocols are observed on national commemorative days ( as recognised under national protocols).

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## 7. Guidelines for Flying the Aboriginal Flag

The Australian Aboriginal flag was proclaimed as a flag of Australia under section 5 of the Flags Act 1953. 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 design in 1971. In 1998 Mr Thomas was awarded an exclusive licence for the manufacture and marketing of Aboriginal Flags, banners and bunting to Carrol and Richardson Flags.

It is critical that the Aboriginal Flag is flown upright. The Aboriginal flag always has the black half upward to the sky and the red half downwards.

In January 2022 the Australian Government purchased the copyright from Harold Thomas. The copyright settlement resulted in the Australian Government owning the exclusive rights to reproduce the Australian Aboriginal Flag.

The Australian Aboriginal Flag will now be managed in the same way as the Australian National Flag.

## 8. Guidelines for Flying the Torres Strait Islander Flag

The Torres Strait Islander flag was designed by the late Bernard Namok from Thursday Island. It was the winning entry in a design competition, held as part of the Cultural Revival Workshop, organised by the Island Coordinating Council in January 1992. The flag was officially presented to the people of the Torres Strait at the sixth Torres Strait Cultural Festival on 29 May 1992.

The flag was recognised by the former national body, the Aboriginal and Torres Strait Islander Commission in June 1992 and given equal prominence with the Aboriginal flag.

In July 1995, the Torres Strait Islanders flag was recognised by the Australian Government as an official "Flag of Australia" under the Flags Act 1953.

It is critical that the Torres Strait Islander flag is flown upright. The Torres Strait Islander flag is upright when the Dhari appears like a downward horse shoe.

## 9. Flying Flags at Half Mast

- Both the Australian National Flag and the Aboriginal Flag are flown at half-mast as a sign of mourning.
- An acceptable half-mast position would be when the top of the flag is a third of the distance down from the top of the flagpole.

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- When lowering from a half mast position it should be briefly raised to the peak and then lowered ceremoniously.
- Under no circumstances will flags be flown at half-mast after dark, even if illuminated.
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Council will fly all flags at half-mast on Remembrance Day – 11 November and Anzac Day 25 April.

Other times when flags are flown at half-mast will be in accordance with direction from the Australian Government or Protocol Unit of the Department of Premier and Cabinet.

The Mayor and or Chief Executive Officer may determine the flying of flags at half mast, for other occasions as required.

## 10. Review & Availability

This policy will be reviewed every five years, or as required.

The policy is also available on Council's website [www.claregilbertvalleys.sa.gov.au](http://www.claregilbertvalleys.sa.gov.au)

## 11. References

Local Government Act 1999  
Flags Act 1953 (Commonwealth)

## 12. Document History

Approved by	Issue Date	Minute Reference – Details of Review
CGVC	15/07/2019	New Policy Adopted by Council
CGVC	13/12/2023	Policy Reviewed by Council

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