

# FLAG FLYING POLICY

## 1.0 Purpose

The purpose of this policy is to:

- provide consistent guidelines for the flying of flags at City of Ballarat civic and community flagpole sites throughout the municipality;
- identify flagpole locations and the flags flown at each site; and
- to provide a framework for considering requests to fly flags at community flag poles outside Council's schedule of significant dates.

## 2.0 Scope

This policy applies to City of Ballarat's:

- **Civic** flagpole sites; and
- **Community** flagpole sites.

This policy does not apply to the City of Ballarat's promotional flagpoles located in gateways and major precincts across the municipality, or to the use of images of flags in communications or promotional flag placements and uses.

This policy does not restrict any community group from flying community flags at their own private community events for the duration of that event.

## 3.0 Policy Statement

Australian national flags are flown by the City of Ballarat at various civic locations across the municipality, in accordance with Australian flag protocols.

City of Ballarat has designated community flagpoles, in addition to the civic flagpoles, which can be used by the community upon application. In recognising the diversity of communities within the municipality, this allows for communities to express and symbolise identity, pride and belonging which is celebrated at different and significant cultural and/or community days and events.

The City of Ballarat will not:

- fly flags at, or maintain, a flagpole site outside its five civic and community flagpole sites unless otherwise specified in this policy;
- remove flags from its existing civic flagpole sites for any commercial or decorative reasons; or
- fly or display flags of former regimes or countries that are not recognised by the Australian Government at any of the civic or community flagpole sites.

### 3.1 Flying of flags at civic flagpoles

The City of Ballarat will, within its resourcing capabilities, comply with flag protocols issued by both the Department of Prime Minister and Cabinet and the Department of Premier and Cabinet and provide for specific arrangements for flying flags at half-mast on days of significance or in remembrance of persons or events.

City of Ballarat will only display and fly official flags of recognised states at the City of Ballarat's civic flagpole sites.

The flags that are to be flown at permanent external civic flagpole sites are as follows:

- Australian National Flag
- Aboriginal Flag
- Torres Strait Islander Flag or Eureka Flag

The locations of the five (5) civic flagpole sites and the flags flown is as follows:

- Ballarat Botanical Gardens, Gillies Street North, Lake Wendouree (three flagpoles)
  - Australian National Flag, Aboriginal Flag, Eureka Flag
- Ballarat Town Hall, 225 Sturt St, Ballarat Central (three flagpoles)
  - Australian National Flag, Aboriginal Flag, Eureka Flag
- Eureka Centre, 102 Stawell St Sth, Eureka (six flagpoles)
  - Australian National Flag, Victorian Flag, Aboriginal Flag, Torres Strait Islander Flag, Eureka Flag x 2
- Operations and Environment Depot, Ring Road, Wendouree (three flagpoles)
  - Australian National Flag, Aboriginal Flag, Eureka Flag
- View Point, Wendouree Parade, Lake Wendouree (three flagpoles)
  - Australian National Flag, Aboriginal Flag, Torres Strait Islander Flag

The Torres Strait Islander flag or Eureka flag may be substituted temporarily with other flags to commemorate or celebrate visiting dignitaries or when declared by the Federal or State Government a special flag or flags may be flown.

The Australian National Flag, Aboriginal Flag, Torres Strait Islander Flag and Victorian State Flag will be displayed in the Council Chamber.

### **3.2 Flying of flags at Community flagpoles**

Community flagpoles are for use by the community and specific criteria applies for application requests from the community so that community flags can be flown at these sites.

The City of Ballarat may receive requests for flags to be flown at its designated community flagpole sites. This provides the opportunity for different communities within the City of Ballarat to express and symbolise identity, pride and belonging which are celebrated at different and significant cultural and/or community days and events.

### **3.3 Guidelines for consideration of applications**

- Applications must be made in writing on the nominated application form.
- The application form along with all requirements and guidelines for an application to be made in writing are provided in Appendix 1.
- Applications must be submitted a minimum of six (6) weeks prior to requested date/s.
- Only applications in writing from locally based communities for events or nationally recognised days and activities will be eligible to be considered.

- Community flag flying applications will be evaluated by the Executive and Civic Services team and considered on a case-by-case basis that may require input from other relevant departments prior to a decision to approve or deny request.
- Completion of an application does not guarantee approval of the request.
- Guidance for designated days of national significance as set out in the Department of Home Affairs yearly calendar of Cultural and Religious dates will be taken into account when reviewing an application.
- Applications are required to address if a formal flag raising ceremony is proposed within their application or if the request is to display the flag only for a period of time as set out within the guidelines.
- All applications will be reviewed against City of Ballarat guidelines, protocol and risk assessment prior to a final decision being made.
- Permission granted to fly a community flag will be for a minimum of one (1) day up to a maximum of seven (7) days.
- Where an application is approved, the applicant will be required to provide the flag that is to be flown.

### **3.4 Criteria**

The following criteria will be considered when a request to fly a flag at the community flagpole is received by the City of Ballarat.

The flying of the community flag:

- promotes respect for all;
- is part of an event or ceremony or a nationally recognised day of significance;
- is consistent with Council's vision, goals and policies;
- embraces a sense of belonging and enhanced community life; and
- is not connected to individual advancement, political or cultural sensitivities nor exposure to adverse criticism of Council or the community as a whole.

The City of Ballarat will not approve requests from community groups or members who:

- do not share Council's views on embracing diversity and multiculturalism and promoting a safe and peaceful community;
- are representative of a political party;
- undertake an activity for commercial gain; or
- offer programs generally or within the proposed application that may present a hazard to the community.

### **3.5 Event Priority**

On days where specific community flags are not flown, the City of Ballarat will fly other flags at its discretion. The City of Ballarat will also take priority if it is holding a community event or as outlined within its considered significant dates.

### 3.6 Significant Dates

Requests that fall on the following dates will not be approved as City of Ballarat takes priority to fly the Aboriginal Flag on these dates. National Sorry Day (26 May), during National Reconciliation Week (27 May – 3 June) or during NAIDOC week (first Sunday – second Sunday in July).

Monday to Sunday of the week which includes 21 March	Harmony Week (incorporating UN International Day for the Elimination of Racial Discrimination on 21 March)
31 March	Trans Day of Visibility
17 May	IDAHOBIT Day
26 May	National Sorry Day
27 May – 3 June	Reconciliation Week (incorporating Mabo Day on 3 June)
Sunday to Saturday of the week which includes 20 June	Refugee Week (incorporating World Refugee Day on 20 June)
First Sunday to second Sunday in July	NAIDOC Week
28 November	Timor-Leste Proclamation Day of Independence (in partnership with Friends of Ainaro)

City of Ballarat reserves the right to decline all applications proposed to occur on public holidays unless they are part of a City of Ballarat led event on such dates.

## 4.0 Supporting documents and references

### 4.1 Legislation

- *Local Government Act 2020*
- *Charter of Human Rights and Responsibilities Act 2006 (Victoria)*
- *Flags Act 1953 (Commonwealth)*
- *Gender Equality Act 2020*

### 4.2 Associated Documents

- Flag notifications and protocol, vic.gov.au
- Australian National Flag protocols, PM&C
- Calendar of Cultural and Religious Dates, Dept of Home Affairs
- Intercultural Plan 2022-2026
- LGBTIQA+ Inclusion Plan 2022-2026
- Reconciliation Action Plan 2019-2021

### 4.3 Definitions

<b><i>Aboriginal Flag</i></b>	As determined in the Australian Flags protocol booklet by the Department of Prime Minister and Cabinet.
<b><i>Australian National Flag</i></b>	As determined in the Australian Flags protocol booklet by the Department of Prime Minister and Cabinet.
<b><i>Civic Flagpoles</i></b>	The external flagpoles erected at City of Ballarat civic sites for displaying the Australian Flag as set out in the Australian National Flags protocol and the <i>Flags Act 1953</i> as well as the floor-mounted portable flagpoles used for Council Meetings and civic events.
<b><i>Community</i></b>	A person or organisation who are based within the municipality of the City of Ballarat.
<b><i>Community Flagpoles</i></b>	The flagpoles erected for the purpose of displaying the flags set out in the Community Flag Schedule.
<b><i>Council</i></b>	Council consists of the Councillors who are democratically elected to represent the Ballarat municipality in accordance with the LGA 2020.
<b><i>City of Ballarat</i></b>	Means the body corporate constituted in accordance with the LGA 2020.
<b><i>Eureka Flag</i></b>	As determined in the Australian Flags protocol booklet by the Department of Prime Minister and Cabinet.
<b><i>Half Mast</i></b>	The flying of the flag a third of the distance down from the top of the flagpole to indicate mourning.
<b><i>Torres Strait Islander Flag</i></b>	As determined in the Australian Flags protocol booklet by the Department of Prime Minister and Cabinet.

## 5.0 Administrative Updates

From time to time, circumstances may change leading to the need for minor administrative changes to this policy. Where an update does not materially alter this policy, such a change may be made

administratively. Examples of minor administrative changes include changes to names of Council departments or positions, change to names of Federal or State Government departments or a minor amendment to legislation that does not have material impact. Where any change or update may materially change the intent of this policy, it must be considered by Council.

## **6.0 Policy owner**

The owner of this policy is the Chief Executive Officer. Enquiries regarding this policy should be referred to the Head of Executive and Civic Services.

## **7.0 Authorisation**

Adopted by the City of Ballarat Council on 28 August 2024 (R138/24).