

12.2 ADVERTISING OF AMENDED POLICY - POLICY NO. 4.1.09 - FLYING AND DISPLAYING OF FLAGS AND BANNERS

Attachments: 1. Flying and Displaying of Flags and Banners Policy (Marked Up)

RECOMMENDATION

That Council **APPROVES** the proposed amendments to the **Flying and Displaying of Flags and Banners Policy**, at **Attachment 1**, for the purpose of community consultation.

PURPOSE OF REPORT:

For Council to approve, for the purpose of community consultation, the proposed amendments to Policy No. 4.1.09 – Flying and Displaying of Flags and Banners as detailed at **Attachment 1**.

BACKGROUND:

The Flying and Displaying of Flags and Banners policy was adopted by Council in October 1996 and last reviewed in February 2011.

The policy was developed in response to requests from members of the community to fly the Rainbow flag during the final week of Pride month in 1996.

The publication “Australian Flags” published by the Australian Government Publishing Services specifies protocols for the display of Australian, National and flags proclaimed under the *Flags Act 1953* (Flags Act).

The booklet does not cover situations relating to flags that are not proclaimed under the Flags Act. The Rainbow Flag is not proclaimed under the Flags Act therefore the policy was developed to provide authority to the Chief Executive Officer (CEO) to determine such applications.

Following Council’s resolution in October 1996, and through the authority provided to the CEO in this policy, the Rainbow flag has been flown outside of the Administration and Civic Centre during Pride month each subsequent year.

At its Council Meeting held 14 March 2000, Council amended the policy to include a provision that the City fly the Australian Aboriginal Flag outside of the Administration and Civic Centre (in addition to its being displayed in the Council Chamber and the Function Room).

Following Council’s resolution in March 2000, the Aboriginal Flag has been flown permanently outside the City’s Administration Building and Council Chambers. Subsequently, through implementation of the City’s Reconciliation Action Plans and in accordance with flag protocol, the Australian Aboriginal and Torres Strait Islander flags are flown at the Administration Building and Axford Park in Mount Hawthorn during Reconciliation and NAIDOC Weeks.

The requirement of provisions outlined in clause 1.3 of the Policy Development and Review Policy were presented to Council Members through the monthly Policy Paper in January 2022. No feedback was received.

DETAILS:

The findings of Administrations review of the policy are as follows.

The existing policy reaffirms the City’s commitment to reconciliation and provides authority to the CEO to determine applications for the flying or displaying of flags or banners.

On 2 July 2021 the Department of Local Government, Sport and Cultural Industries (DLGSC) published a protocol for flying the Australian Aboriginal and Torres Strait Islander Flags throughout NAIDOC Week that aligns with the Australian Flags publication and the City’s existing practices.

The City's Reconciliation Action Plan outlines our commitment to reconciliation and aligns with the DLGSC protocol and Flag protocols.

Administration is recommending the following policy amendments:

1. Consideration of policy objective

Administration is proposing amendments to the policy objective to align with its existing practices and to appropriately document the City's position.

2. Consideration of additional provisions

Additional policy provisions 2.2, 2.3 and 3 have been added to define delivery of the proposed objective and to reinforce the City's existing practices.

3. Protocols

This policy provision has been removed and guidance to the City's statutory requirement have been included in the introduction section and legislation and supporting documentation table.

CONSULTATION/ADVERTISING:

In accordance with the City's Community and Stakeholder Engagement Policy, community consultation of all new and significantly amended policies must be provided for a period exceeding 21 days in the following ways:

- notice published on the City's website;
- notice posted to the City's social media;
- notice published in the local newspapers;
- notice exhibited on the notice board at the City's Administration and Library and Local History Centre; and
- letters distributed to relevant local businesses and community groups.

Public notice of this proposed new policy will be provided from mid-April 2022.

LEGAL/POLICY:

There is no legislative requirement for a documented City position however, in its absence there would be no formal direction or guidance for Administration when determining the flying or displaying of flags or banners that are not proclaimed under the Flags Act.

Section 2.7(2)(b) of the *Local Government Act 1995* provides Council with the power to determine policies.

The City's Policy Development and Review Policy sets out the process for the development and review of the City's policy documents.

RISK MANAGEMENT IMPLICATIONS

Low: It is low risk for Council to undertake community consultation of the proposed amendments to the policy.

STRATEGIC IMPLICATIONS:

This is in keeping with the City's *Strategic Community Plan 2018-2028*:

Innovative and Accountable

We are open and accountable to an engaged community.

Our community is aware of what we are doing and how we are meeting our goals.

SUSTAINABILITY IMPLICATIONS:

This does not contribute to any environmental sustainability outcomes.

PUBLIC HEALTH IMPLICATIONS:

This does not contribute to any public health outcomes in the *City's Public Health Plan 2020-2025*.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

Flying and Displaying of Flags and Banners



Legislation / local law requirements	Flags Act 1953
Relevant delegations	Nil.
Related policies, procedures and supporting documentation	"Australian Flags" publication

PRELIMINARY

INTRODUCTION

The City is required to fly and/or display flags in accordance with:

- the Flags Act 1953 (Flags Act);
- any announcements/directives given by the relevant State or Federal Department; and/or
- in accordance with the "Australian Flags" publication produced by the Awards and National Symbols Branch, Department of Prime Minister, and Cabinet.

The "Australian Flags" publication does not cover situations relating to flags that are not proclaimed under the Flags Act.

PURPOSE

To provide guidance on the display of flags and banners that are not proclaimed under the Flags Act and/or in addition to the protocols specified in the "Australian Flags" publication.

OBJECTIVE

To:

- provide guidelines to the City when considering applications to fly flags or display banners;
- reaffirm the City's commitment to reconciliation; and
- recognise and support our LGBTIQ+ community.

SCOPE

This policy applies to the display of flags and banners at City buildings, parks, and reserves.

DEFINITIONS

Nil.

Flying and Displaying of Flags and Banners



POLICY PROVISIONS

1. Applications

Applications for the flying or displaying of flags or banners are to be approved by the Chief Executive Officer on their individual merits, as follows:

- 1.1 consideration will be given to the promotion of a Significant Week or in conjunction with promotion of an significant event/occasion, which is considered to be of interest to the general public;
- 1.2 in the event that Chief Executive Officer gives approval, the applicant shall provide the necessary flag or banner at least 48 hours prior to the event (or at a sooner time if required); and
- 1.3 all costs associated with the flying or displaying of banners shall be borne by the applicant.

2. Aboriginal and Torres Strait Islander Flags

- 2.1 The City will fly the Aboriginal Flag outside the Administration and Civic Centre (in addition to it being displayed in the Council Chamber and Administration and Civic Centre – Function Room)
- 2.2 The Torres Strait Islander Flag will be flown outside the Administration and Civic Centre with the Australian National Flag, the Western Australian Flag, and the Australian Aboriginal Flag each year to celebrate Reconciliation Week and NAIDOC Week.
- 2.3 The Australian Aboriginal and Torres Strait Islander flags will be flown at Axford Park in Mount Hawthorn each year to celebrate Reconciliation Week and NAIDOC Week.

3. The Rainbow Flag

The Rainbow Flag will be flown outside the Administration and Civic Centre with the Australian National Flag, the Western Australian Flag, and the Australian Aboriginal Flag each year throughout Pride month.

4. ~~Protocols~~

~~The flying and/or displaying of flags shall be in accordance with the Flags Act 1953 and any announcements/directives given by the relevant State or Federal Department and/or in accordance with the book "Australian Flags" produced by the Awards and National Symbols Branch, Department of Prime Minister and Cabinet.~~

OFFICE USE ONLY	
Responsible Officer	Please use title only
Initial Council Adoption	DD/MM/YYYY
Previous Title	Applicable if the policy has been renamed
Reviewed / Amended	DD/MM/YYYY
Next Review Date	MM/YYYY