



Colac Otway
SHIRE

SUBMISSIONS COMMITTEE MEETING

AGENDA

Wednesday 8 May 2024

at 4:00 PM

COPACC

95 - 97 Gellibrand Street, Colac



COLAC OTWAY SHIRE SUBMISSIONS COMMITTEE MEETING

Wednesday 8 May 2024

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COLAC OTWAY SHIRE SUBMISSIONS COMMITTEE MEETING

NOTICE is hereby given that the next **SUBMISSIONS COMMITTEE MEETING OF THE COLAC OTWAY SHIRE COUNCIL** will be held at COPACC on Wednesday 8 May 2024 at 4:00 PM.

AGENDA

1 DECLARATION OF OPENING

OPENING PRAYER

Almighty God, we seek your blessing and guidance in our deliberations on behalf of the people of the Colac Otway Shire. Enable this Council's decisions to be those that contribute to the true welfare and betterment of our community.

AMEN

2 PRESENT

3 APOLOGIES

4 WELCOME AND ACKNOWLEDGEMENT OF COUNTRY AND REASON FOR MEETING

Colac Otway Shire acknowledges the original custodians and law makers of this land, their elders past and present and welcomes any descendants here today.

RECORDING AND PUBLICATION OF MEETINGS

Please note: All Submissions Committee meetings live streamed and recorded when the meeting is held either at COPACC or online. This includes the public participation sections of the meetings. When meetings are held in other locations, Council will endeavour to make an audio recording of the meeting for community access. Matters identified as confidential items in the Agenda will not be live streamed or recorded regardless of venue or mode.

By participating in open Submissions Committee meetings, individuals consent to the use and disclosure of the information they share at the meeting (including any personal and/or sensitive information).

As soon as practicable following each open Submissions Committee meeting, the live stream recording will be accessible on Council's website. Recordings are also taken to facilitate the preparation of the minutes of open Submissions Committee meetings and to ensure their accuracy. Recordings will be retained by Council for a period of four years.

This meeting will be livestreamed to the public via Council's You Tube channel (search Colac Otway

Shire Council at www.youtube.com).

The sole purpose of this Submissions Committee meeting is to hear persons who indicated they wish to speak in support of their written submissions to the <<insert topic of submission>>.

5 DECLARATIONS OF INTEREST

A Councillor who has declared a conflict of interest, must leave the meeting and remain outside the room while the matter is being considered, or any vote is taken.

Councillors are also encouraged to declare circumstances where there may be a perceived conflict of interest.

6 CONFIRMATION OF MINUTES

- **Submissions Committee meeting held on 31 January 2024.**

RECOMMENDATION

That the Submissions Committee confirm the minutes of the Submissions Committee meeting held on 31 January 2024.

7 VERBAL SUBMISSIONS

The Mayor is to read out the names of the people who have confirmed they wish to make a verbal submission. These verbal submissions will be made in relation to each respective agenda item and must be directly relevant to the respective agenda item. A limit of 5 minutes will apply.

Item: 8.1

Hearing of Flag Policy submissions

OFFICER	Tamzin McLennan
GENERAL MANAGER	Ian Seuren
DIVISION	Community and Economy
ATTACHMENTS	1. Attachment 1: Draft Flag Policy - 2024 [8.1.1 - 6 pages]

1. PURPOSE

To hear from submitters who have requested to speak in support of their submission to Council's draft Flag Policy.

2. EXECUTIVE SUMMARY

At its February 2024 meeting, Council released a draft Flag Policy for public exhibition. The policy went on exhibition from 1 March 2024 to 12 April 2024 inclusive.

Thirteen submissions on the policy were received. Of those, three submitters requested to speak in support of their submission.

3. RECOMMENDATION

That the Submissions Committee:

- 1. Acknowledges and notes the verbal comments made in support of written submissions.*
- 2. Thanks, submitters, for their contribution to the submissions process.*
- 3. Having heard all persons wishing to speak to their submission, recommends that Council considers all submissions to the draft Flag Policy at a future Council meeting.*

4. KEY INFORMATION

Council's first Flag Policy Protocol was adopted in 2018. It mainly dealt with requests to fly flags at half-mast as a sign of mourning.

Many Councils in Victoria have additional flagpoles on which they fly other flags to mark significant days or events such as IDAHOBIT. In its 2023-24 budget, Council allocated money towards:

- Installing an additional flagpole on the Rae Street campus to fly other flags of significance (hereafter referred to as the Community Flagpole).
- Install lighting to illuminate the three Ceremonial Flagpoles in Rae Street.

The additional flagpole, which has been installed outside the Colac Otway Performing Arts and Cultural Centre (COPACC) at 95-97 Gellibrand Street, Colac, provides an opportunity to fly other flags of significance to our community.

Community Flagpoles provide opportunities for Council to demonstrate leadership in respect to inclusivity and make public and visible statements that the Colac Otway Shire is a place where people are welcome, safe and supported regardless of gender, age, race, culture, religion, beliefs, and socioeconomic status. They also enable Council to continue to comply with the Australian Government's federal flag protocols as they relate to ceremonial flags.

The updated draft Flag Policy (Attachment 1 – version that went on public exhibition) considers a broader remit than Council's previous Flag Protocol Policy, and includes but is not limited to:

- Compliance with the Australian Government's federal flag protocols.
- Guidelines for flying other flags of significance on the new Community Flagpole.
- A draft Flag Schedule governing the flying of other flags of significance on the Community Flagpole.

The draft policy went on exhibition from 1 March 2024 to 12 April 2024 inclusive, with 13 written submissions received. Below is a summary of the key themes of each submission. Full submissions have been provided via a confidential attachment.

Submitter	Key themes
1	-Submitter opposed to flag policy and fourth flagpole, believes it is too focussed on minorities.
2	-Submitter opposed to flag policy and fourth flagpole. -Belief that the three ceremonial flags (Australian, Aboriginal, Torres Strait) are representative of community. -Concerns policy is weighted towards minorities. -Preference for Council to focus on services the submitter considers to be core to Council business.
3	-Supportive of Flag Policy. -Flying Pride or Transgender flag makes LGBTQIA+ people feel safe, accepted, and valued. -Believes the Community Flagpole can be used to recognise other sectors of the community also. -Contributes to a diverse and inclusive community.

Submitter	Key themes
4	-Supportive of Flag Policy. -Submission supported by 41 signatures.
5	-Supportive of Flag Policy. -Supports Council's aim to be more respectful, diverse, and inclusive. -Advice that Pride Flag is a more appropriate term to use than Rainbow Flag. -Suggestion that Council considers using Community Flagpole other days of significance, being International Women's Day (8 March), Wear it Purple Day (last Friday in August) and World AIDS Day (1 December).
6	-Supportive of flag policy. -Supportive of flying Pride Flag and Transgender Flag. -Suggestion that Council considers flying the Scouts Australia or World Scout Flag annually on Founders' Day (22 February) and World Scout Day (1 August).
7	-Supportive of Flag Policy. -Believes it is an important and significant gesture to recognise diversity, and make LGBTQIA+ people feel seen, welcome and able to be their true selves, which is particularly important for small/regional communities.
8	-Submitter suggests community flags should be flown for a maximum of seven days (not up to a month as proposed). -Submitter suggests Transgender Pride Flag should not be flown at half-mast at any time and should be removed from the flag schedule. -Submitter believes that no community flags should be flown at half-mast and Council should only follow the Australian government protocols for flying the Australian, Aboriginal and Torres Strait Island flags at half-mast. -The Colac Otway Shire Flag should fly on the community flagpole each day other than days when another community flag has been approved. -The CEO should not have full control of approving community flags; this decision should be made by the sitting Council of the day.
9	-Submitter opposed to the costs of additional flagpole/s and flags and drew attention to the condition of roads. -Submitter believes Australian Flag should be the only flag flown.
10	-Submitter believes that only the Australian Flag should be flown, and only half masted when someone very important dies.
11	-Submitter pleased to see ANZAC Day and Remembrance Day recognised via use of Community Flagpole. -Suggestion that the policy be amended so that the RSL flag displays five business days prior and during the days in question to raise awareness of RSL's work supporting veterans and their families.
12	-Support for continuous flying of Aboriginal and Torres Strait Islander flags as a welcoming and comforting message to Traditional Owners. -Submitter wholly supportive of community flagpole to be inclusive of diversity.
13	-Submitter believes Australian Flag is the only flag that should be displayed. -Submitter believes a Flag Policy is not core Council business.

5. CONSIDERATIONS

Overarching Governance Principles (s(9)(2) LGA 2020)

This report aligns with the following Governance Principles in that it:

- Focuses on demonstrating leadership in creating a safe and inclusive community for people irrespective of Aboriginality, age, disability, ethnicity, gender identity, culture, race, religion, sexual orientation, and other attributes.
- Seeks to be transparent with the community about Council's commitment to promoting inclusivity at a community level.
- Aligns with Council's adopted Statement of Commitment to Gender Equality.

Policies and Relevant Law (s(9)(2)(a) LGA 2020)

This report discusses Council's commitment to inclusivity via the installation and use of a Community Flagpole, as well as ensuring Council continues to comply with the Australian Government's federal flag protocols.

Environmental and Sustainability Implications (s(9)(2)(c) LGA 2020)

Not applicable.

Community Engagement (s56 LGA 2020 and Council's Community Engagement Policy)

Community groups have for a number of years advocated for Council to fly the Rainbow Flag on IDAHOBIT. In 2023, Council flew the flag and intends to continue this in subsequent years. A draft Flag Policy has been developed to guide Council's flying of other flags of significance and to provide a framework for compliance with the Australian Government's federal flag protocols.

The intent of this report is to support Council's hearing of verbal submissions in response to the draft policy.

Public Transparency (s58 LGA 2020)

The draft Flag Policy was placed on public exhibition for a period of six weeks in accordance with Council's Community Engagement Policy to provide the community an opportunity to provide feedback on the draft policy.

Alignment to Plans and Strategies

Alignment to Council Plan 2021-2025:

Theme 3 – Healthy and Inclusive Community

Objective1: All people have the opportunity to achieve and thrive in our shire

Objective 3: We are a safe, equitable and inclusive community

Financial Management (s101 Local Government Act 2020)

Subject to Council's consideration and adoption of the revised Flag Policy, there will be some minor costs associated with the purchase of flags.

Service Performance (s106 Local Government Act 2020)

Council's progress towards creating a more safe, inclusive and gender equitable community and society aligns with all of the *Local Government Act 2020* service performance principles.

Risk Assessment

Not applicable.

Communication/Implementation

The draft Flag Policy's exhibition period was communicated via Council's typical channels such as local radio and print media, Council's website, social media channels and relevant email databases.

Human Rights Charter

Feeling safe and included within one's community is a human right and precondition to social justice. This report seeks to progress Council's leadership in this space via the adoption of a Flag Policy that focuses on enabling the flying of a range of other flags of significance.

Officer General or Material Interest

No officer declared an interest under the *Local Government Act 2020* in the preparation of this report.

Options

Option 1 – That Council hears verbal submissions and considers all submissions to the draft Flag Policy at a future Council meeting.

This option is recommended as it is in line with Council's Community Engagement Policy and its standard procedure for public exhibition periods for key policies.

Option 2 – Seeks further feedback from the community through an extended consultation period.

This option is not recommended as the draft Flag Policy was on public exhibition for six weeks in accordance with Council's Community Engagement Policy and 13 submissions were received. In addition, a number of submitters have requested to speak in support of their submission.



Council Policy

18.12 FLAG POLICY

PURPOSE

The purpose of this policy is to govern the flying of flags at Council's municipal offices including at the the Colac Otway Performing Arts and Cultural Centre precinct.

SCOPE

The Colac Otway Shire Council has three flag poles located at its Rae Street customer service centre.

Council has an additional flagpole installed outside the Colac Otway Performing Arts and Cultural Centre (COPACC).

This policy applies to the flags and flagpoles at the abovementioned locations. At other Council-owned locations where only one flagpole is located, when in use, the Australian National Flag will be flown.

STATEMENT OF POLICY

The Colac Otway Shire Council recognises that the flying of flags demonstrates pride of place and spirit, and acknowledges that the flying of flags should be undertaken with the utmost importance, respect and dignity.

This policy outlines the way Council will fly flags. A flag policy aims to ensure that Council's flying of flags adheres to federal protocols, and also aligns with Council Plan objectives around building a healthy and inclusive community. The general principles associated with this policy are:

- That Council acknowledges that the Australian National Flag, Aboriginal Flag and Torres Strait Islander Flag should be treated with respect and dignity. These flags will, as far as practicable, be flown in accordance with the Australian Government's flag protocols.
- Council will continuously fly the Australian National Flag, Aboriginal Flag and Torres Strait Islander Flag on the Ceremonial Flagpoles outside Council's Rae Street customer service centre if they are illuminated. Under circumstances where they are not illuminated, the abovementioned flags will be flown during standard business hours.
- The Community Flagpole shall generally be used to fly flags of significance, generally other than the Australian National Flag, Aboriginal Flag and Torres Strait Islander Flag.
- Council and COPACC may use the Community Flagpole to display flags when the flagpole is not being used for purposes outlined in this policy's flag schedule. On those occasions, approval from the Chief Executive Officer shall be sought first.
- The Community Flagpole will be used to accommodate community requests to fly flags. Community requests to fly flags on the Community Flagpole other than those outlined in this Policy shall be referred to the Chief Executive Officer for a decision to be made. In considering community requests, the Chief Executive Officer will have regard to Council resolutions, the Council Plan and any other relevant positions of Council. The Chief

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Executive Officer may consult the Mayor and Councillors and/or present a report at a Council meeting should they consider the matter is complex and a prevailing Council position is not clear.

- Flags other than those referred to in the Australian Flags Booklet will not fly any longer than a calendar month or a maximum of 31 days.
- Council will fly the national flags of other countries on the Community Flagpole during Council-sanctioned visits by dignitaries of the country or when directed by the federal or state government.
- In general, Council will not approve requests to fly other flags where a request is linked to:
 - Views that do not align with Council's views on promoting a diverse and inclusive community.
 - Are associated with activities for commercial gain or individual advancement.
 - Programs that may present a hazard to the community.

Flying flags at half mast

Under Australian Government protocols, flags are flown at half-mast position as a sign of mourning. The principles associated with flying flags at half-mast are:

- Council shall comply with directions given by the relevant federal and state departments to fly flags at half-mast; and under the conditions described in the Federal Government's Australian Flag Booklet.
- Examples of occasions when Council will be directed by the federal or state government to fly flags half-mast include the death of a Sovereign; the death of a member of the royal family; the death of the Governor-General or former Governor-General; on the death of a distinguished Australian citizen and on days of commemoration such as ANZAC Day and Remembrance Day.
- The Australian Flag Booklet states that "flags in any locality may be flown at half-mast on the death of a local citizen or on the day, or part of the day, of their funeral without the direction of the Australian Government", however unless specifically instructed to do so by the Chief Executive Officer, flags will only be lowered to half-mast on occasions where direction is received from the state or federal government.
- A flag should not be flown at half-mast at night, whether or not the flag is illuminated, unless direction to half-mast the flag for an extended period of time has been issued.
- When flying the Australian National Flag with other flags, all flags in the set should be flown at half-mast, with the Australian National Flag being 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.)

RESPONSIBILITIES

The Chief Executive Officer is responsible for:

- Considering requests to fly alternative flags/flags of significance on the Community Flagpole in line with this policy.
- Determining when it is appropriate to refer a request to fly an alternative flag to Council for a decision.
- Determining when it is appropriate to fly a flag at half mast on the death of a local citizen or on the day, or part of the day, of their funeral.
- Ensuring flags flown under Council's control are never flown when in damaged, faded or dilapidated condition.

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DEFINITIONS

Federal Government Australian Flags Booklet: The protocols for the appropriate use and flying of the Australian flag as published by the Department of Prime Minister and Cabinet. The booklet can be viewed here:

<https://www.pmc.gov.au/publications/australian-flags-booklet>

Council office: The Council building and surrounding areas at 2-6 Rae Street Colac.

Ceremonial Flagpoles: The three flagpoles located outside of Council's Rae Street customer service centre.

Community Flagpole: The flagpole to be located outside the main entrance of the Colac Otway Performing Arts and Cultural Centre (COPACC), at 95-97 Gellibrand Street, Colac.

Flag: A piece of cloth, typically oblong in shape, attachable by one edge to a pole or rope and used as a symbol or emblem of a country, group or institution.

RELATED DOCUMENTS

Federal Government Australian Flags Booklet: <https://www.pmc.gov.au/publications/australian-flags-booklet>

REFERENCES

Federal Government Australian Flags Booklet: <https://www.pmc.gov.au/publications/australian-flags-booklet>

The Flags Act 1953

DOCUMENT CONTROL




Policy owner		Division	
Adopted by executive		Policy Number	
File Number		Review date	

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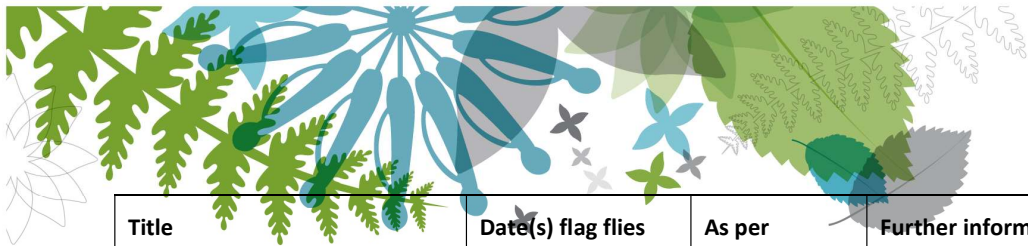


Appendix 1: Flag Schedule

Title	Date(s) flag flies	As per National Protocols	Further information	Flag images
Transgender Pride Flag – International Transgender Day of Visibility	31 March	n/a	Signifies International Transgender Day of Visibility which is an annual international celebration of trans pride and awareness, recognising trans and gender diverse experiences and achievements.	
Flags at half-mast – ANZAC Day	25 April	Yes	All flags are flown at half-mast until noon then at the peak until the usual time for closure of business or flags lowered.	All
RSL Flag to signify ANZAC Day	On ANZAC Day.	n/a	Flown for a day to signify ANZAC Day in April.	
Rainbow Flag in May for IDAHOBIT (17 May)	Up to a month during May	n/a	Flying the Rainbow Flag for up to a month during May to show extended support to our LGBTQIA+ community.	

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Title	Date(s) flag flies	As per National Protocols	Further information	Flag images
National Sorry Day	26 May	n/a	<p>Acknowledges the history and continued effect of the forced removal of Aboriginal and Torres Strait Islander people from their families, communities and culture.</p> <p>On this day, the Australian National Flag, Aboriginal Flag and Torres Strait Islander Flag shall fly from Council’s Ceremonial Flag Poles. Requests to fly flags other than those associated with Sorry Day shall not be considered.</p>	n/a
National Reconciliation Week	27 May – 3 June	Yes	<p>In recognition of 27 May as the anniversary of the 1967 Referendum which successfully removed from the Constitution clauses that discriminated against Indigenous Australians and 3 June as the anniversary of the High Court decision in the Eddie Mabo land rights case of 1992.</p> <p>During this week, the Australian National Flag, Aboriginal Flag and Torres Strait Islander Flag shall fly from Council’s Ceremonial Flag Poles. Requests to fly flags other than those associated with National Reconciliation Week shall not be considered.</p>	n/a

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Title	Date(s) flag flies	As per National Protocols	Further information	Flag images
NAIDOC Week	From the first Sunday in July for one week	Yes	<p>NAIDOC Week is held annually to celebrate and promote a greater understanding of Aboriginal and Torres Strait Islander peoples and culture.</p> <p>During this week, the Australian National Flag, Aboriginal Flag and Torres Strait Islander Flag shall fly from Council's Ceremonial Flag Poles. Requests to fly flags other than those associated with NAIDOC Week shall not be considered.</p>	n/a
Remembrance Day – flags at half mast	11 November	Yes	Flags flown in accordance with national flag protocols. Flags are flown at the peak from 8am; at half-mast from 10.30am to 11.02am; and at the peak again from 11.02am.	All
RSL Flag – Remembrance Day	Remembrance Day, November 11.	n/a	RSL Flag flown for one day on the Community Flagpole to signify armed forces members who have died in the line of duty.	
Transgender Pride Flag at half-mast – Trans day of Remembrance	20 November	n/a	Flying the transgender flag at half-mast to signify Trans Day of Remembrance which is an annual observance that honours the memory of the trans lives lost to acts of transphobia and discrimination.	

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